

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 3/8/2017 7:26:25 PM
To: Karp, Katherine (NBCUniversal) [Katherine.Karp@nbcuni.com]; Stern, Karen (NBCUniversal) [Karen.Stern@nbcuni.com]
Subject: RE: CNBC Introduction
Attachments: CERA Speech Card EMBARGOED DRAFT.pdf; TOP LINE POINTS.docx

Katherine: Attached are some points from Administrator Pruitt's first two weeks on the job as well as a copy of his embargoed remarks as prepared for delivery.

The questions you have outlined below look good.

My cell phone number is 202-365-9250.

Thank you!

John Konkus

From: Karp, Katherine (NBCUniversal) [mailto:Katherine.Karp@nbcuni.com]
Sent: Wednesday, March 8, 2017 12:57 PM
To: Stern, Karen (NBCUniversal) <Karen.Stern@nbcuni.com>; Konkus, John <konkus.john@epa.gov>
Subject: RE: CNBC Introduction

Thanks, Karen.

Hi John, good to connect with you here. We greatly look forward to Administrator Pruitt's appearance on our broadcast tomorrow morning.

As Karen mentioned, we would love to see an advanced copy of his prepared remarks if/when they are available.

I have read that Mr. Pruitt plans to focus his remarks at CERAWEEK on environmental policy. Is that correct?

In addition, the conversation will focus on:

- What he inherits in his new role
- What is the priority list of the agency?
- The impact on business? Energy?
- What can we expect in the first 100 days?

Small logistical matter, may I ask for your #? Mine is 646-457-0245.

Thanks again and please let me know if I can provide additional details.

All best,

Katy

Katy Ramirez Karp
Senior Talent Producer
CNBC's Squawk Box
201-735-2351
katherine.karp@nbcuni.com

CNBC is the recognized world leader in business news and provides real-time financial market coverage and business information to more than 800 million homes worldwide, including more than 100 million households in the United States and Canada.

From: Stern, Karen (NBCUniversal)
Sent: Wednesday, March 08, 2017 12:18 PM
To: 'Konkus, John'
Cc: Karp, Katherine (NBCUniversal)
Subject: RE: CNBC Introduction

John, let me loop in my colleague Katy Karp from Squawk Box, cc'ed on this email.

If you're able to send us Mr. Pruitt's remarks under embargo, that will help us prepare for the segment on our end.

We'll look forward to seeing you tomorrow, at our set at CERAWeek (2nd floor, outside the Ballroom of the Americas) for the 7:40a CT interview. If you can be here 10 minutes earlier, that will give us time to get him all wired up and do our technical checks.

As I mentioned on the phone, Joe Kernen is really looking forward to speaking with him, and Katy can provide a little bit more color on the topics we'll want to cover.

If you have questions/concerns anytime about logistics, feel free to call me on my cell: 201 270 8014.

Looking forward to it – thanks again!
Karen

From: Konkus, John [<mailto:konkus.john@epa.gov>]
Sent: Tuesday, March 07, 2017 5:46 PM
To: Stern, Karen (NBCUniversal)
Subject: RE: CNBC Introduction

Can we jump back on the phone tomorrow morning so you can help me write my pre-briefing for this hit? The who, what, where, etc.?

From: Stern, Karen (NBCUniversal) [<mailto:Karen.Stern@nbcuni.com>]
Sent: Tuesday, March 7, 2017 2:16 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: RE: CNBC Introduction

John,
How about 7:40a CT from our camera here at CERAWeek? We would do this as a remote interview, so Mr. Pruitt would be speaking with the anchors of Squawk Box remotely via an earpiece. Does that work?
Thanks,
Karen

From: Stern, Karen (NBCUniversal)
Sent: Tuesday, March 07, 2017 9:23 AM
To: 'Konkus, John'
Subject: RE: CNBC Introduction

John, is Mr. Pruitt doing any other interviews with TV outlets while he's in town for CERAWEEK? Or would we be able to call this a CNBC Exclusive?

From: Konkus, John [<mailto:konkus.john@epa.gov>]
Sent: Tuesday, March 07, 2017 9:14 AM
To: Stern, Karen (NBCUniversal)
Subject: RE: CNBC Introduction

Yes. Make it so J

From: Stern, Karen (NBCUniversal) [<mailto:Karen.Stern@nbcuni.com>]
Sent: Tuesday, March 7, 2017 9:10 AM
To: Konkus, John <konkus.john@epa.gov>
Subject: RE: CNBC Introduction

John, any chance we can make 7:40a CT work on Thursday? (As I mentioned the next hour is tough because of the opening bell....)

From: Konkus, John [<mailto:konkus.john@epa.gov>]
Sent: Tuesday, March 07, 2017 8:33 AM
To: Stern, Karen (NBCUniversal)
Subject: Re: CNBC Introduction

Karen per my VM we are good for administrator Pruitt to appear on the show Thursday morning. Let's hop on the phone later today to walk through logistics. Thanks!

Sent from my iPhone

On Mar 6, 2017, at 11:32 AM, Stern, Karen (NBCUniversal) <Karen.Stern@nbcuni.com> wrote:

Hi John,
Just following up to see if Mr. Pruitt might be available for a CNBC interview on Thursday morning in Houston? I'm sure his schedule is packed, so we'd appreciate any time he can make available for us.
Happy to discuss logistics with you anytime -- I'm in Houston now, and my cell is 201 270 8014.
Many thanks,
Karen

On Mar 3, 2017, at 12:28 PM, Stern, Karen (NBCUniversal) <Karen.Stern@nbcuni.com> wrote:

Thanks, Jeff.

Hi John -- nice to e-meet you. Can you let me know what Mr. Pruitt's availability looks like on Thursday morning for a live interview with CNBC?

We will have a setup outside of the conference – at a nearby restaurant (Grotto, which is actually in the convention center), and would potentially like to do the interview there if we can make that work.

Happy to discuss in detail with you anytime – my contact information is below.

Thanks,
Karen Stern

<image010.gif>
Karen Stern
karen.stern@nbcuni.com
201.735.3143 (w)
201.270.8014 (c)

From: Marn, Jeff [<mailto:Jeff.Marn@ihsmarkit.com>]
Sent: Friday, March 03, 2017 1:04 PM
To: konkus.john@epa.gov; Stern, Karen (NBCUniversal)
Subject: CNBC Introduction
Importance: High

John,

Please allow me to introduce Karen Stern, lead producer for CNBC at CERAWEEK. They are interested in connecting with you about Administrator Pruitt's potential availability Thursday that you and I discussed.

Best,

Jeff

<image001.png>

Jeff R. Marn
Senior Manager | Corporate Communications
1150 Connecticut Ave., NW | Washington, DC 20036
P: +1 202 463 8213 Mobile: +1 202 560 0776
jeff.marn@ihsmarkit.com

<image002.jpg> <image004.jpg> <image005.jpg> <image006.jpg> <image007.jpg> <image008.jpg>



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OPENING: Everyone wants to have their cake and eat it too. Why wouldn't you want both pro-energy and pro-environment?

BRIDGE: We can have both – look at what we've accomplished. No one does it as good as US...

CELEBRATE PROGRESS

- Since '80 63% reduction in pollutant
- Since '02 10% reduction in carbon emissions mostly due to fracking boom
- U.S. economy continued to grow, drove more miles, population & energy use up

OPPORTUNITY KNOCKS

- Abundant domestic resources: 100 billion barrels of oil & 650 trillion cubic feet of gas
- Shale gas revolution: US set to become third largest exporter of LNG by 2020
- Shout out to Harold Hamm and NAM – helping to get export ban lifted

BRIDGE: Opportunity is knocking and new leadership in the WH and at EPA will answer

EPA WILL ANSWER

- Restore trust, respect
- Abuse of process leads to litigation, uncertainty, and bad outcomes.
- Follow the rule of law... CO2 regulations always stayed, SCOTUS struck down Tailoring. Scalia: *It is plain as day that the CAA does not envision an elaborate, burdensome permitting process for major emitters of steam, oxygen, or other harmless airborne substances.*
- Stop practice of sue and settle
- Cooperative Federalism: an attitude and leadership: Appoint regional officials who share view states are partners not punishers

BRIDGE: Only week two and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...

CLOSING: Baseball fan. Astros vs. Cards right about now in Jupiter (will get you exact inning and score at the time of speech).

Yogi Berra favorite philosopher: "The future ain't what it used to be"

TOP LINE POINTS:

- Today (Tuesday, March 7) marked Administrator Scott Pruitt's two-week mark on the job at EPA
- In only two weeks, the EPA has rolled back a series of job-killing Obama era regulations: Waters of the U.S. rule, Methane collection and is working on stopping unrealistic and expensive CAFÉ standards
- More major rollbacks are forthcoming
- All of the regulations EPA has acted on cost American jobs and tax dollars
- These actions taken by the EPA will create more jobs
- Farmers, auto manufactures, energy produces and American consumers are all winning again thanks to decisive leadership at the White House and at EPA

DRILL DOWN POINTS

Waters of the U.S. Rule

Headline: Trump directs EPA to roll back Obama era Water rule

Article: <http://insider.foxnews.com/2017/02/28/epa-admin-scott-pruitt-waters-united-states-donald-trump-power-grab>

Article: <https://www.washingtonpost.com/news/energy-environment/wp/2017/02/27/trump-to-direct-rollback-of-obama-era-water-rule-tuesday/>

Messaging Points:

To the delight of farmers and small business owners across America, President Trump directed EPA Administrator Pruitt to withdraw and reconsider the odious Waters of the U.S. Rule

- Administrator Pruitt immediately signed a Notice of Proposed Rule Making with a 30-day comment period and final rule withdrawing the Clean Water Rule: Definition of 'Waters of the United States'.
- Under the Waters of the United States Rule the government has claimed the right to regulate every ounce of standing water, from a puddle in the yard to a farmer's feeding pond. Not only have the courts stayed this rule, the American people have told their Members of Congress that this rule an overreach that must stop.
- A bipartisan majority in the 114th Congress rejected the WOTUS rule with the passage of a resolution under the Congressional Review Act in January 2016. American landowners and companies spend \$1.7 billion every year on wetlands permits – approvals from federal regulatory to use land near what the federal government defines as a navigable water.
- The President has directed the EPA and the Army Corps of Engineers to not only reconsider the Waters of the U.S. rule, but has provided clarity on how to apply the Clean Water Act.
- This action preserves a federal role to protect the nation's water quality. However, this also restores States' role and States' regulation of water.
- The WOTUS rule never went into effect because 32 states sued EPA challenging the rule and 2 courts granted a stay. On Oct 9, 2015, the 6th Circuit applied the stay nationwide to the WOTUS rule.

o The National Association of Manufacturers says that the WOTUS rule "exerts power over a staggering range of man-made and isolated features even if they are usually dry or too small to appear on a map. The definitions are complex and vague, and often require case-by-case determinations by the agencies."

o The National Association of Homebuilders sums up the rule's disastrous impact on everyday lives: "While many wetlands and streams are an important part of the ecosystem and should be protected, the new definition represents federal overreach of the worst kind: more permits, more regulation and more costs without a corresponding environmental benefit. The new 'waters of the U.S.' definition means, for example, that a builder in Arizona would have to get a permit for an activity in a dry desert wash that could be 30 miles from the nearest river. Such intrusive federal encroachment is bad governance and will inevitably lead to bureaucratic delays, increased project costs and mitigation fees, and ultimately, decreased housing affordability."

Methane ICR Letter Withdrawn

Headline: [HYPERLINK "<http://www.foxbusiness.com/politics/2017/03/02/epa-withdraws-obama-era-request-for-data-on-oil-natural-gas.html>" \t "_blank"]

Article: <http://www.foxbusiness.com/politics/2017/03/02/epa-withdraws-obama-era-request-for-data-on-oil-natural-gas.html>

Article: [HYPERLINK "<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/02/epa-halts-inquiry-into-oil-and-gas-industry-emissions-of-methane-a-powerful-greenhouse-gas/>"]

Messaging Points:

- The EPA took the remarkable step of sending 15,000 letter to American energy producers telling them they no longer have to respond a letter that the Obama EPA sent back in November at the direction of the previous EPA Administrator.
- On November 8, 2016 EPA had issued a final Information Collection Request (ICR) seeking information the past administration said it needed to help the agency determine how to best reduce methane.
- The problem? Methane is a valuable resource that oil and gas company owners and operators want to keep, not allow to escape into the atmosphere.
- These owners and operates are developing new technologies to capture this methane because it's highly valuable. They already have an inherent reason to not allow this gas to escape.
- Having the EPA breathing down their neck in not an additional incentive, but it is very expensive. The EPA itself estimates the cost to American business attempting to comply with the November letters would cost \$42,453,050 million and 284,751 man hours to complete.
- By sending these letters telling these businesses they no longer have this additional bureaucratic burden, these companies and the public save money and move close, faster to capturing any methane from escaping into the air.

Headline: President Trump set to reverse Obama's fuel economy mandate

Article: <http://dailycaller.com/2017/03/03/trump-preparing-to-reverse-obamas-fuel-economy-mandate/>

Article: https://www.washingtonpost.com/national/health-science/epa-to-pull-back-on-fuel-efficiency-standards-for-cars-trucks-in-future-model-years/2017/03/03/c4406b0c-0054-11e7-99b4-9e613afeb09f_story.html

Messaging points:

- The Environmental Protection Agency is set to deliver a major win for American automobile manufacturers and American workers and consumers by deciding to reexamine an Obama Administration rule that could have required the automobile industry to achieve 54.5 miles per gallon by 2025, a standard manufacturers said would be difficult and costly to achieve.¹
- The Obama era CAFÉ standards were expensive. It is estimated by the auto industry that it would need to spend \$200 billion to comply.²
- The Obama era CAFÉ standards cost American jobs. The National Center for Policy Analysis says these standards pushed manufacturing and jobs to Mexico.³
- EPA has a 2018 deadline to provide a "midterm review" of these standards, and is committed to ensuring that deadline is met.
- The Department of Transportation - National Highway Traffic Safety Administration working hand-in-glove with the EPA will take a fresh look at these fuel economy standards to determine if the existing rules are good enough or need to be altered.
- Realistic CAFÉ standards are good for consumers and the environment.

1: [HYPERLINK "<http://www.autonews.com/article/20161110/OEM11/161119989/automakers-reach-out-to-trump-on-regulation-seek-review-of-fuel>"]

2: [HYPERLINK "<https://www.forbes.com/sites/davidkiley5/2016/11/30/obamas-epa-moves-to-firm-up-fuel-economy-regs-before-trump-takes-office/>" \ | "7560892cc482"]

3:: [HYPERLINK "<http://retirementblog.ncpa.org/cafe-standards-distort-auto-production-and-push-jobs-south/>" \ | "sthash.4PmummPG.dpbs"]

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/2/2018 4:22:27 PM
To: Beach, Christopher [beach.christopher@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]
Subject: CNBC
Attachments: TOP LINE POINTS.DOCX; DRAFT Trip Schedule for Houston 3.8-9.17 (002).docx; CERA Speech Card.docx; CERA Speech Outline.docx; CERA Speech.docx; CERA Interviews Note Card.docx

Attached are all the briefings used for the CNBC interview that I put together from OPA.

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: (202) 365-9250

CERA MEDIA INTERVIEWS

- 7:40am (7:30am arrival) CNBC Squawk Box, interviewer: Joe Kernan
- 8:05am Aaron Harber radio show, national syndicated with especially strong Western reach. “fact based forum for civil discourse” show is a POTUS favorite
- 8:30am Bloomberg multiple media members will participate including radio and online reporters
- 11:15am Fox Business, Neil Cavuto LIVE

EXPECTED QUESTIONS

- What are you doing here at CERA: EPA touches nearly every facet of energy industry, going to speak at lunch, deliver positive message about successes and opportunities
- What did you inherit in your new role: Agency that did not follow process, rule of law, potential water infrastructure crisis, energy producers being punished
- What is the priority list of the agency: Provide certainty, process matters, reestablish trust, stop bad actions, restore cooperative Federalism
- The impact on business, energy: Provide certainty, stop sue and settle, partners not punishers
- What can we expect in the first 100 days: In first two weeks: WOTUS, withdrawn the methane ICR, coming soon CAFÉ, CPP
- EPA budget cuts: Not going to comment on a work in progress. We will work with our partners at the WH, OMB and on Capitol Hill to ensure EPA’s mission is met
- Will you favor business over the environment: We can have our cake and eat it too. Why wouldn’t we want to be pro-energy and pro-environment. Facts show that’s just what we’ve done.

OPENING: Who ever said you can't have your cake and eat it too, doesn't know what to do with cake.

Why wouldn't you want both pro-energy and pro-environment?

BRIDGE: We can have both – look at what we've accomplished. No one does it as good as US...

CELEBRATE PROGRESS

- Since '80 63% reduction in pollutant
- Since '02 10% reduction in carbon emissions mostly due to fracking boom
- Energy jobs accounted for 14% of new jobs in 2016
- Oil and gas jobs grew by 40% between '07 – '13 when rest of job market fell by 3%

OPPORTUNITY KNOCKS

- Abundant domestic resources: 100 billion barrels of oil & 650 trillion cubic feet of gas
- Shale gas revolution: US set to become third largest exporter of LNG by 2020
- Shout out to Harold Hamm and NAM – helping to get export ban lifted

BRIDGE: Opportunity is knocking and new leadership in the WH and at EPA will answer

EPA WILL ANSWER

- Restore trust, respect
- Abuse of process leads to bad outcomes
- Follow the rule of law... CO2 regulations always stayed, Tailoring struck down
- Stop practice of sue and settle
- '97 – '09 only 2 FIP's vs. under Obama 19
- Cooperative Federalism: an attitude and leadership: Appoint regional officials who share view states are partners not advisories

BRIDGE: Only week two and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...

CLOSING: Baseball fan. Astros vs. Cards right about now in Jupiter (will get you exact inning and score at the time of speech).

Yogi Berra favorite philosopher: "The future ain't what it used to be"

CERA - Speech Outline

You CAN have your cake and eat it too

Everyone wants to have their cake and eat it too. Why wouldn't they if they could?

When it comes to American energy and a clean environment, we can in fact have our cake and eat it too.

After all, why wouldn't we want both energy independence, jobs and a robust economy AND a clean air, clean water and a healthy environment?

The fact is, we've been able to achieve both.

No country in the world is as good as we are at growing our economy while achieving environmental protections.

We should celebrate this achievement.

Let's celebrate

We should celebrate the fact that since 1980 we have enjoyed a 63% reduction in National Air Quality criteria pollutants.

Since 2002 we have reduced our carbon emissions by 10%, mostly due to the boom in fracking.

At the same time we have dramatically reduced air pollution, we have grown our economy, Americans have driven more miles and population and energy use has risen.

Opportunity knocks

There are still many opportunities knocking on the door.

As CERA told us on the pages of the Wall Street Journal this week, America is experiencing an oil and gas revolution.

We enjoy an abundance of America domestic energy resources including 100 billion barrels of oil and 650 trillion cubic feet of gas waiting to be tapped.

Technology allows us to access these resources in a more efficient and environmentally sound manner.

The shale gas revolution is very exciting because it will bring not only cheaper and cleaner energy for American consumers, it will bring American jobs.

The U.S. is set to become the third largest exporter of LNG in the world by 2020.

Speaking of energy exports, let's give a hand to Harold Hamm and the NAM grassroots army for helping get the domestic oil ban lifted.

I enjoyed speaking at the NAM conference earlier this week in Arizona. I told them about how EPA will work under the new Administration, and I want to share this new approach and new vision with you.

The new EPA

Opportunity is indeed knocking, and the new leadership at the White House and at EPA are ready to answer.

We are going to restore trust and respect within the agency and with our stakeholders at the state level and with industry.

At the EPA, and it starts at the top with me as Administrator, we are going to listen, learn and lead.

We are also going to follow our statutory duties as directed by Congress.

Process matters

Regulations ought to make things regular. Regulators exist to give certainty to those they regulate. Those that we regulate ought to know what's expected of them so that they can plan and allocate resources to comply.

The process we engage in to adopt regulations is very important. Because it sends a message that we take seriously our role of taking public comment and offering response and making informed decisions about how it's going to impact those in the market place to achieve the ends that we have in statute.

We are going to avoid abuses of process. Avoid guidance in rulemaking. Avoid regulations through litigation. We need to be open and objective and transparent in how we do rulemaking and follow the law as we do so.

Rule of law

When we don't follow the rule of law bad things happen. Litigation happens, uncertainty happens.

Think about this, every attempt by EPA to regulate CO2 has been shot down by the courts.

WOTUS was stayed. The Clean Power Plan was stayed and the Tailoring Rule was struck down.

Justice Scalia wrote in his decision on the Tailoring rule: "It is plain as day that the CAA does not envision an elaborate, burdensome permitting process for major emitters of steam, oxygen, or other harmless airborne substances."

That's nothing short than a commendation of the way EPA use to do business.

We are also going to stop the practice of sue and settle.

Federalism Matters

EPA sets national standards but many states have been delegated authority to issue permits to implement clean water and clean air requirements. A properly run EPA requires close communication and cooperation with state partners – not an adversarial relationship.

We need to move away from DC-mindset that EPA has to have the lead in regulating because the states are unwilling or unable to carry out their responsibilities.

We are going to appoint officials in our regional offices who share this attitude and leadership style when it comes to cooperative federalism.

We are going to appoint regional administrators who share our view that states are partners not advisories.

In conclusion

While we have much to celebrate, and we should celebrate our unique American ability to achieve both environmental protection and economic prosperity, there is more opportunity knocking every day.

As many of you know, I'm a huge baseball fan. So much so that I can tell you the Astros are leading the Cardinals (INSERT ACTUAL SCORE) in the (INSERT ACTUAL INNING) down in Jupiter right now.

As a baseball fan, I count Yogi Berra as one of my favorite philosophers.

Yogi said it right, "the future ain't what it used to be."

At EPA the future ain't what it used to be.

Thank you and Dr. Yergin I look forward to taking some of your questions.

Speech Outline

Energy and Environment Are Not Opposed

F. Scott Fitzgerald: The test of a first rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function. In business we do this a lot. In government we don't do it often enough.

The government should stop pitting energy production against a clean and health environment.

American's need both and want both and we in fact have both.

Americans need to know that energy independence, jobs and a growing economy are not opposed to clean air, clean water and a healthy environment.

The EPA and the nation can be both pro-energy and pro-jobs. We don't have to choose between the two.

Our nation has done better than any nation in the world of protecting our natural resources and protecting our environment while respecting the economic growth and jobs our nation seeks to have.

That is the job of the EPA to protect the environment for American families and regulate as directed by Congress.

Achieve Balance Through Process

We achieve this balance by following process. Process matters.

Regulations ought to make things regular. Regulators exist to give certainty to those they regulate. Those that we regulate ought to know what's expected of them so that they can plan and allocate resources to comply.

The process we engage in to adopt regulations is very important. Because it sends a message that we take seriously our role of taking public comment and offering response and making informed decisions about how it's going to impact those in the market place to achieve the ends that we have in statute.

Avoid abuses of process. Avoid guidance in rulemaking. Avoid regulations through litigation. We need to be open and objective and transparent in how we do rulemaking and follow the law as we do so.

That will send a message to those we regulate. They will know what expected of them and can act accordingly.

Federalism Matters

EPA sets national standards but many states have been delegated authority to issue permits to implement clean water and clean air requirements. Requires close communication and cooperation with state partners – not an adversarial relationship.

We need to move away from DC-mindset that EPA has to have the lead in regulating because the states are unwilling or unable to carry out their responsibilities.

EPA Should Act With a Positive Purpose

Here's another quote from F. Scott Fitzgerald: "You don't write because you want to say something, you write because you have something to say."

EPA should regulate with purpose.

Our purpose is not to regulate for regulation's sake. We should not to regulate jobs away or purposefully hurt industry. Sometimes EPA doesn't have to regulate at all. Let the states lead.

Regulation done right can help you all create jobs because it provides certainty and strikes a balance so that American families are healthy and they can enjoy energy, economic growth and jobs.

Ways EPA Regulates Energy Sector

Tuesday of this week marked my two-week anniversary on the job at EPA. In that very short amount of time, we have already begun work to achieve what I described at the top of my remarks, balance between a clean and health environment and economic growth.

Clean Water Act:

Waters of the U.S. rulemaking – cuts across energy industry. We have already taken steps to implement the President's Executive Order to review this rule.

Section 402 discharge permits – EPA has granted 46 states (including all in Appalachia) authority to issue permits to discharge into waters of the U.S.

Effluent limit guidelines – EPA's 2015 ELG for coal-fired power plants will cost approximately \$480 million and one more factor that may lead to plant closures.

Water quality criteria – 2016 selenium water quality criterion expected to impact coal mining.

Section 404 fill permits – Army Corps administers the 404 permit program but scope depends on Waters of the U.S. rule.

Clean Air Act:

Several high-profile rules establishing New Source Performance Standards affect energy extraction and generation (Clean Power Plan, oil & gas methane) – this program historically was meant to fill gaps between other air quality programs, but the previous administration used it as a leading edge to reduce greenhouse gas emissions and move the country away from coal fired power plants.

National Ambient Air Quality Standards – states should have the lead in reaching these air quality standards.

Utilities face significant permitting requirements under the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review programs.

Title V operating permits are required to be updated every five years.

Hazardous air pollutants – Supreme Court ruled EPA had to consider costs as part of its mercury rule for power plants

Safe Drinking Water Act:

Underground injection control wells (disposal, enhanced oil recovery, hydraulic fracturing) – 34 states have primacy to operate full permit program, and remaining states split program authority with EPA.

RCRA:

Coal ash management rule – EPA will be working to implement the new statutory authority to for state and federal permit programs to regulate the disposal of coal ash from power plants. Coal ash can be recycled and it helps make concrete bridges, roads, and other infrastructure last longer.

Enforcement:

National enforcement initiatives for largest air pollution emitters, including coal fired power plants, and for extractive industries.

NEPA reviews:

Clean Air Act requires EPA to review and comment on the environmental impact of other agencies' NEPA reviews – such as FERC pipeline permits

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 6/5/2017 2:03:29 PM
To: Dewey, Amy [Dewey.Amy@epa.gov]
Subject: Transcript: Daily Press Briefing by Press Secretary Sean Spicer and EPA Administrator Scott Pruitt

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 2,

PRESS BRIEFING
BY PRESS SECRETARY SEAN SPICER
AND ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY,
SCOTT PRUITT

James S. Brady Press Briefing Room

EDT

SPICER: Good afternoon, everyone. EPA Administrator Pruitt is here today to deliver the President's announcement yesterday and answer any questions you have regarding the Paris Climate Agreement that was reached yesterday. As always, I ask that you keep your questions for Administrator Pruitt. I'll be back up here to answer some questions of the day. I would note that he is going to try to keep this relatively short on his end.

And that, Administrator Pruitt.

ADMINISTRATOR PRUITT: Thanks, Sean.

It's good to be with you this afternoon. And I want to first begin by saying that the President's decision yesterday on behalf of America. He put America's interest first with respect to climate change and international discussions. I really appreciate his fortitude. I really appreciate his leadership.

The discussion over the last several weeks has been one of a thoughtful deliberation. He has listened to a wide spectrum of vantage points. And the President made a very informed and, I think, a very wise decision for the country's benefit.

And we have to remember when it comes to the environmental agreements and international agreements like the Paris Agreement is we have nothing to be apologetic about as a country. We have made significant progress since the early 1990s. And in fact, from 2000 to 2014, we reduced our carbon footprint by 17 percent.

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been largely accomplished through innovation and technology, not government mandate. So, we are leading with action and not words.

Also want to say that exiting Paris does not mean disengagement. In fact, the President sees it as a bad deal for this country; it doesn't mean that we're not going to continue the effort to export our technology to the rest of the world, to demonstrate how we do it better. That's the message to send.

He indicated that he's going to either reenter Paris or engage in a discussion around a new agreement with America first. The President said, routinely, he's going to put the interest of American citizens first. That's in trade policy; that's in national security; that's in border security. That's the message from Washington, D.C. And he did that with respect to his decision yesterday on Paris.

With that, I'd be glad to answer any questions you might have. And I don't know your name. I'll just point to you, and we'll just go from there.

Ma'am. Your name?

It's Mary Bruce with ABC.

ADMINISTRATOR PRUITT: Hello, Mary.

Thank you. I have a two-part question. I was hoping you could clear this up once and for all. Does the President believe that climate change is real as a threat to the United States?

ADMINISTRATOR PRUITT: You know, what's interesting about all the discussions we had for years was that they focused on one singular issue -- is Paris good or not for this country? That's the discussion. So that's been my focus. The focus remained on whether Paris put us at a disadvantage. It didn't put us at an economic disadvantage.

They may not know this, but Paris set targets of 26 to 28 percent. With the entire agenda of the Paris Agreement, we still fell 40 percent short of those targets. It was a failed deal to begin with. If the targets were met by all nations across the globe, it only reduced the temperature by less than one-tenth of one percent.

That is something that the President focused upon with respect to how it impacted us economically. He focused on the environmental objectives that were achieved as a result of Paris. His decision was based on the economic discussions.

Ma'am.

On climate change, yes or no?

ADMINISTRATOR PRUITT: Yes, ma'am.

Two-tenths of one percent, a statistic that you're citing -- the MIT scientists who wrote the report were "badly misunderstood" the findings of that report, and that, in fact, if we take into account the other science, it's devastating five percentage points. So, specifically, what other science did the President rely on?

ADMINISTRATOR PRUITT: There were other stories that were published at the time. The MIT report indicated, showed two-tenths of one degree. They didn't have a corner on the market as far as climate science. There were many at that point. We can provide those to you.

It's clear about Paris, what's clear is that if you go back and look at the criticism to the Paris Agreement, it wasn't just from folks in this country who wanted it to be ratified, of course. The environmental left was very critical of Paris. In fact, James -- what was -- the general counsel of the State Department who said at the time it was a fake and a fraud. And the general counsel of the State Department. So if you go back and read the media accounts, there was much criticism, largely because China and India are not accountable.

You know, China did not have to take any steps of compliance until 2030. India had no steps of aid were provided. And Russia, when they set their targets, they set 1990 as their baseline to continue emitting more CO2. In this country, we had to have a 26 percent to 28 percent reduction which represented the Clean Power Plan and the entire Climate Action agenda of the past several years. Yes, sir.

I'd like to go back to the first question that was asked that you didn't answer. Do you believe that climate change is a hoax? That's something, of course, he said in the campaign. When he was with him a couple days ago, he refused to answer. So I'm wondering if you can speak to that.

ADMINISTRATOR PRUITT: I did answer the question because I said the discussions that the President has had in the last several weeks have been focused on one key issue -- is Paris good or bad for the United States? He determined that it was bad for this country. It hurt us to achieve the good environmental outcomes. And he made the decision to reject the Paris deal.

Yes, right there. Yes, sir.

Thank you. Given the fact that you and other administration officials haven't been consistent in your views on climate change, why should other countries believe that the President was sincere? Faith?

ADMINISTRATOR PRUITT: As I indicated in my comments yesterday and the President emphasized, the United States and the country as a whole, we have taken significant steps to reduce our CO2 emissions. What you won't hear -- how did we achieve that? Largely because of technology -- natural gas drilling -- that has allowed a conversion to natural gas in the generation of electricity. That's the environmental left.

So we need to export clean coal technology. We need to export the technology in natural gas -- India and China -- and help them learn from us on what we've done to achieve good outcomes. That's not words.

Paris is truly -- Paris at its core was a bunch of words committed to very, very minimal environmental goals. It cost the country a substantial amount of money and put us at an economic disadvantage.

Yes, sir. Yes, sir.

Does the President believe that -- or does the administration believe that any additional deal, whether it's Paris or a subsequent deal, needs --

ADMINISTRATOR PRUITT: I'm sorry. I missed the first part of your question. Can you --

Does the administration believe that any deal -- whether it's a revised Paris Agreement or a new deal -- needs congressional approval? Either as a treaty or some other form --

ADMINISTRATOR PRUITT: Well, I think it's clear with respect to the Paris Agreement that ratification. The President expressed this constitutionally in his speech yesterday. I have been submitted to the U.S. Senate for ratification.

I think it depends on the nature of the deal, what you actually negotiate. If we're talking about technology to the rest of the globe, I would say not -- I would say that that's not to be submitted to the U.S. Senate.

I would say, however, that if you're setting targets, if you're setting emission targets through regulation or statute, then very much so. The voice of American citizens is heard through the ratification process.

Yes, sir. Yes, sir.

Obviously a lot of people from the White House are not willing to answer this question on climate change. So let's talk about your personal views. In March, you said, there's a degree of human impact, and you would not agree that it's a primary contributor to global warming. What human activity contributes at all to global warming?

ADMINISTRATOR PRUITT: I don't know if you guys caught my confirmation process or not, but by the way -- but that confirmation process -- I indicated that in fact, global warming contributes to it in some manner.

Measuring with precision from my perspective, the degree of human contribution is very small. The question is, what do we do about it? Does it pose an existential threat, as some say? For a skeptic or a climate denier -- I don't even know what it means to deny the climate. I'm not an exaggerator.

In fact, many of you -- I don't know if you saw this article or not, but "The Climate of the Future" that was in The New York Times talked about -- and I'll just read a quote, because I saw it in this article -- "Anyone who has read the 2014 report of the IPCC knows that while much of the Earth has warmed since 1880. Much else that passes as accepted fact is really just speculation. That's especially true of the sophisticated but fallible models and simulations that are used to peer into the climate future. To say this isn't to deny science isn't to acknowledge uncertainty."

I think that -- look, the debate -- what the American people deserve is a debate about this issue. And what Paris represents is an international agreement that puts a price tag with very little benefit environmentally across the globe.

If we just look at the --

Can I ask a follow-up question on that, sir? Why, then, is the Arctic ice shelf melting? Why are the hottest temperatures in the last decade essentially the hottest temperatures in the last 100 years?

ADMINISTRATOR PRUITT: We've actually been on hiatus since the late 1990s, as you know.

But, sir, so there's -- when NASA says that 95 percent of the experts in this area agree that the Earth is warming, and you are up there throwing out information that says, well, maybe it's not, and you're talking about climate exaggerators, it just seems to a lot of people around the world that you're not taking the science seriously.

dent are just denying the reality. And the reality of this situation is that climate change is a significant threat to the planet.

ADMINISTRATOR PRUITT: Let me say this, and I've said it in the confirmation process and

That's true, though, right? About the Arctic ice and the sea levels and --

ADMINISTRATOR PRUITT: We have done a tremendous amount as a country to achieve reduction through technology and innovation. We will continue to do that. We will continue to stay

are part, as you know, of the UNFCCC, and that process encourages voices by some nations around the globe. And we are going to stay engaged and try to work through agreements and achieve our interest first.

is not -- this is not -- a message to anyone in the world that America is somewhat in a weak position. We are actually making tremendous advances. We're just not going to agree to anything that puts us at an economic disadvantage and hurt citizens across this country.

sir.

Critics argue you're putting your head in the sand, though, Mr. Pruitt. They're asking you to put your head in the sand.

ADMINISTRATOR PRUITT: There is no evidence of that.

sir.

Thank you, Mr. Administrator. Your fellow Sooner Senator Inhofe said that while he is in this, he is very nervous about lower-level career government employees in the EPA who are executing what it means to exit the Paris Climate Accord. As the Administrator of EPA, what are you doing?

ADMINISTRATOR PRUITT: What's important to know is that the President said unequivocally that the Paris, the 26 to 28 percent targets, are not enforceable and are not going to be complied with. The United States committed \$3 billion of initial funding is not going to continue. And that's going to be immediate.

there are discussions that are ongoing with the Justice Department on the steps that we are taking on the withdrawal on the exit. That's something that's going to be happening over the next several months. We are concerned, as far as the Green Climate Fund, that is immediate and it's something that we are

ma'am.

European leaders have made it very clear the deal can't be renegotiated. So how do we proceed when the other parties aren't willing to come to the table?

ADMINISTRATOR PRUITT: Well, as he indicated, whether it's part of the Paris framework or not, that's the approach.

But a new deal with who, if they're not going to sit down at the table with him?

ADMINISTRATOR PRUITT: Well, that's up to them, right? What America -- the United States. After all, we're the United States, and we are leading with respect to CO2 reduction. If nations around the globe want to see -- to learn from us on what we're doing to -- to share that with them. And that's something that should occur and will occur in the future and reciprocate with nations who seek to achieve that.

And just a quick follow-up. You're the EPA Administrator. Shouldn't you be able to tell me or not the President still believes that climate change is a hoax? Where does he stand?

ADMINISTRATOR PRUITT: As I indicated several times through the process -- there's enough time to make a Paris Agreement and making an informed decision about this important issue. That where we've been for several weeks. I've answered the question a couple times.

Yes, sir. Yes, sir, this gentleman right here.

Thank you. Isn't it of concern that the United States has broken a promise to 190 countries to address that particular point. And second, you've several times raised the lowering of CO2 levels because of blocking the smokestack spews that now are not allowed, and the administration is now opposing?

ADMINISTRATOR PRUITT: As I indicated, largely, we have reduced our CO2 footprint through hydraulic fracturing and horizontal drilling.

the first part of your question? I forget.

Isn't it of concern that we broke a promise to 190 countries? And how does that help?

ADMINISTRATOR PRUITT: Well, truly, this gentleman's question back here -- if it was a promise going to obligate this country, then it should have been ratified as a treaty, right? The Paris Agreement was 26 to 28 percent targets that were part of an international agreement, and the Paris Act that actually allow for lawsuits to be filed domestically to compel regulation to be met.

It was as much about constitutional and legal concerns as anything else. And the President said let's -- again, the important thing here is it put us in an economic disadvantage. It was applauded when we joined Paris.

you know why? I think the applauded because they knew it was going to put this country in an economic disadvantage. And the reason European leaders -- going back to the question earlier -- that I think they know it will continue to shackle our economy, though we are leading the world in the future.

That's all I've got. I've got to head to the airport. Thank you very much.

Our word is not our bond?

Why did you celebrate at a French restaurant last night? Was that a symbolic gesture?

SPICER: Thanks, Mr. Pruitt.

Today this morning, in the May jobs report, it was released showing that Americans seeking jobs are finding them than at any point in the last 16 years. There's a lot of positive signs.

Over 600,000 private sector jobs have been added since the President took office. The report gives a broader look at both unemployment and under-employment, fell a full percentage point in January. Long-term unemployment is down by 187,000 since the President took office. Workers are getting back to work, with that sector showing job growth for the second -- the

The President is not going to stop until every American who wants to work can find meaningful work. He's working tirelessly on policies that will keep the economy growing -- with a tax plan that rewards hardworking Americans and making it easier for businesses to thrive; an infrastructure plan that puts \$1 trillion of investment and put Americans back to work rebuilding our nation's crumbling infrastructure; and replacing the job-killing Obamacare with a system that encourages competition and innovation. He's also pushing for regulatory reform to reduce unnecessary burdens on manufacturing and other key industries. It's a real roll-back since the Reagan years.

You can expect the President to be focusing even more on jobs this month and holding even more press conferences pushing his pro-growth, pro-jobs agenda.

Later this afternoon, the President is going to be signing two bills that were both passed by Congress to protect those who protect us, our nation's veterans and public safety officers.

The first is the Public Safety Officers' Benefits Improvement Act of 2017, which was co-sponsored by the Chairman Chuck Grassley of Iowa and Senator Kirsten Gillibrand of New York. It was passed last month. It will reduce the unacceptable backlog of families awaiting approval of benefits for officers that were killed in the line of duty.

The second is the American Law Enforcement Heroes Act, which was co-sponsored by Senator John Cornyn, which also unanimously passed the Senate, and assists state and local law enforcement agencies by prioritizing the Department of Justice funding to law enforcement agencies that have lost officers. It's critical that we support our veterans and the loved ones of those who have paid the ultimate price for our communities.

The President is glad to be signing these important bills today, and there will be a pool

Later in Washington today, Education Secretary Betsy DeVos visited the Eagle Public Charter School to celebrate the administration's support for inclusive school environments and celebrate the launch of the new Individuals with Disabilities Act.

At the State Department, Secretary Tillerson met this morning with the Foreign Minister of Australia, where he will join Defense Secretary Mattis to participate in the Australia-United States Ministerial Consultations. Prior to his arrival in Australia, Secretary Mattis will be in Singapore, where he will deliver remarks and meet with regional allies and counterparts.

And that, I'd be glad to take a few questions.

Thank you.

Thanks, Sean. I want to ask about the push for the travel ban to the U.S. Supreme Court. One of the reasons that the President wants to keep this going is obviously now we have a new majority because it gives the White House perhaps a chance to build on some momentum, especially if the Court is favorable? It would appear that his base was very pleased with what the President decided to do.

I'd also like to ask as a follow about the XL pipeline. Can you give us an update on jobs and development?

SPICER: I think that what we've said with respect to the executive order in question is implementation and the first court action. So last night, we asked the Supreme Court to be confident that the President's executive order is well within his lawful authority to protect our communities from terrorism.

The President is not required to admit people from countries that sponsor or shelter terrorists that they are properly vetted and do not pose a threat or risk to the United States that we've talked about.

Don't have an update -- are you talking about in terms of production for Keystone? I don't know.

Thank you, Sean. You were asked earlier this week about the President's personal view or not he believes it's a hoax. You said you hadn't had a chance to have that conversation in 72 hours. What does the President actually believe about climate change? Does he still believe that? Because apparently nobody else at the White House can.

SPICER: I have not had an opportunity to have that discussion.

Zeke.

Don't the American people deserve to know what the President believes on such an important issue?

SPICER: I think that Administrator Pruitt pointed out that what the President is focused on is clean water, clean air, and making sure that we have the best deal for the American workers.

Zeke.

Trey.

SPICER: Trey. Sorry.

No worries. (Laughter.) Quick question for you related to the Paris climate agreement. Is it important to continue to reduce carbon emissions and export clean energy technology?

SPICER: I think he understands the importance of clean air and clean water, as I just mentioned, but also doing so in a way that provides American workers and our economy a way that Administrator Pruitt pointed out, we've got a lot of technology that we can export to other countries.

Just a quick question as it relates to climate change. Very simple definition of climate change is changes in the Earth's weather patterns. The EPA Administrator said today that he does feel there is some evidence that the Earth is warming somewhat. Does the President share the EPA Administrator's thoughts? Or has the Administration sort of backed away from using the words "climate change"?

SPICER: I don't -- I have not -- as I mentioned to Zeke, I have not had an opportunity to discuss that with the President about that.

on.

Thanks, Sean. Yesterday the President painted a pretty dire economic picture if the Paris Accords, saying it would be disastrous for the U.S. economy. And yet dozens of CEOs lobbied the President in order to stay in the Paris Accords. Why would the President say the economy is dire if all those CEOs are saying, you know what, we need to do this? Is the President's forecasts and all those private sector leaders wrong?

SPICER: I think the President took input from a lot of individuals and there were others who were concerned about the implementation of it. Frankly, I think there were some companies and some CEOs that you mentioned that, while they maybe wanted to stay in, also expressed concerns.

At the end of the day, the President's number-one priority is to get the best deal for the American people that they elected last year. This was -- I think one of the things that we've got to remember from the campaign trail about his position on this, but he was also clear that he was committed to the American people. And if you look at all of the deals that we have -- whether the Paris Accords or the trade deals, the President has made it very clear that he's committed to getting the best deal for the American people and manufacturers.

Is the President going to replace Elon Musk and Bob Iger on the President's advisory board?

SPICER: I don't know at this point.

Thank you, Sean. The President's critics are claiming that pulling out of the accords is a mistake. Do you agree with that sentiment? What does the White House have to say about that?

SPICER: I don't think -- I think part of the reason that the President said it was a mistake was that other countries, including China, were not making substantial progress in reducing their carbon emissions. And the United States was carrying the load. So I think by negotiating a better deal, hopefully we can get a better deal for our country and the world.

n.

Thank you, Sean. Yesterday, President Macron of France delivered a sharply worded statement on the climate change decision, saying it is bad for all of our children. And he said that he wants Americans to come and move to France. What's the President's response to President Macron?

SPICER: I think that the President has made it clear since day one that his job is to represent the American people and our citizens. As he said yesterday, he was elected to represent Pittsburgh, Pennsylvania, and the United States.

Thank you, Sean. The Washington Post has reported that the administration is considering leasing land in Maryland and New York to Russia. What is the reason for that? And what would the administration do if they were to give back those properties?

SPICER: The State Department issued comments on that earlier saying, "The U.S. and Russia are in the middle of negotiations. They're projecting negotiations further along than they are." So the State Department has been very clear where we stand on that.

lie.

Has the President been following the Kathy Griffin meltdown? And does the family want a beheading photo?

SPICER: Does what?

Does the family want a personal apology from Kathy Griffin after the beheading photo?

SPICER: Yes, the President, the First Lady, and the Secret Service have all made it clear that they have no doubts.

ve.

Sean, it's been a matter of curiosity in this town for a couple of days now -- is there any chance that the President will have the privilege to prevent James Comey from testifying before the Senate Intelligence Committee?

SPICER: That committee hearing was just noticed, and I think obviously it's got to happen.

So is that -- that's not a no?

SPICER: I was just saying I don't -- literally, my understanding is the date for that hearing has not yet been spoken to counsel yet. I don't know what that -- what they're -- how they're going to handle it.

Two questions, Sean, one on the tax bill and one on the debt ceiling. In the Rose Garden, the President said something about our tax bill is moving along in Congress very well. We've heard that the bill is being crafted in House Ways and Means. Is that what he was talking about? Or what tax bill was he referring to?

SPICER: I think, as you know, Secretary Mnuchin and Director Cohn were here a couple of days ago to lay out the principles of what they look to see in legislation. They've had several discussions, both with Congress and with bipartisan and industry groups. And I think that the reception that the President's idea for the tax bill is moving along very well with leadership and rank-and-file members.

And then on the debt ceiling, we've been getting some mixed messages from administration. Do you want to see a clean debt bill or whether you'd be -- can you explain what the President's position is on seeing riders attached on a decrease in spending or whatever? What is his feeling?

SPICER: I think both Secretary Mnuchin and Director Mulvaney have weighed in on this. They're going to work with Congress on. So we're not there yet; it's something that our team is working on.

sica.

Thanks, Sean. Two questions. Number one, when we heard the Administrator talk about the Paris Accord he said it's not a signal that the U.S. wants to disengage on climate policy. Is the Administration taking to engage internationally on climate?

secondly, as you well know, climate has been a key part of cooperation between the U.S. and China. Is that a very important sort of intersection of interest with something else? Will you see any more physical cooperation on clean energy, for example, with the Chinese? Do you have any thoughts on that?

SPICER: Well, this is a decision that was just made yesterday afternoon, and I think both with domestic stakeholders -- he mentioned in the speech yesterday he looks forward to discussing a way forward and reasonable ways in which we can engage in that. And then to talk to world leaders. But that's a process that has to evolve.

And on China?

SPICER: What's that?

And on China? The relationship with China, the point of cooperation -- have you guys managed? Because the model was, you manage tensions with China as the U.S. government has done, and this was previously an area of cooperation. There's obviously other areas that we're working on now with China, but do you envision some other cooperation on the area of climate work?

SPICER: Well, the relationship that President Trump has established with President Xi is clear. He's talked about it very clearly. And it's a model in which they'll continue to work together on issues, whether it's this or North Korea or other areas -- economic areas that we're working on.

I think that the great thing about this issue is that the relationship that the President has with President Xi is one that will allow them to move forward.

Thank you, Sean. In a recent statement by Senator McCain, he said that Vladimir Putin is a greater threat to the security of the U.S. than ISIS. Has the President had any conversation with him?

SPICER: No, he hasn't.

Sean, thank you. Secretary Mnuchin has said that he wants the debt ceiling raised because we're going to run out of money by then. This morning -- he wants it clean as well. This administration was willing to do whatever with Congress to get it passed before August. They want spending cuts. So what does this look like? It doesn't sound as if the Trump administration is willing to take as far as spending cuts to get the bill passed.

SPICER: I think that was the nature of what Jen was asking, and I think that is a common theme with congressional leaders and other stakeholders, Freedom Caucus and other members. I think there's bipartisan recognition that we need to get that done. And so Secretary Mnuchin and other members of the team will continue to work with congressional leaders to get it done.

1.

Sean, could you tell me, how is the President dealing with the fact that there are some members of a bipartisan group, the U.S. Conference of Mayors, who are against the President's withdrawal from the Paris Agreement? How does this President move forward with what he's saying about making coal great again, away from the economics of clean energy, and then walking out of Paris, when you have to continue with the Paris Agreement?

SPICER: Well, if a mayor or a governor wants to enact a policy on a range of issues, they should talk to their voters and that's what they should do. We believe in states' rights, and so if a local government wants to enact a policy that their voters or their citizens believe in, then that's what they should do.

I will say that -- with respect to elected officials, there was, I think, a large con-
vel of government that were very pleased with the President's decision yesterday and a
-- bipartisan group of Republican and Democratic mayors who are very upset by this.

SPICER: And we have some bipartisan support for it.

Okay. And last topic -- there are a number of reports on hate crimes. Nooses have
museum the President toured, the African American History and Culture Museum. And also
e of the worst that you could say, spray-painted on LeBron James's home. What is the
pecifically, people are saying over the last 130-plus days people are feeling that the
ted from this White House.

SPICER: Well, I would respectfully disagree with the premise of that. I think we ne
any act. And this President made it clear from election night to his inauguration th
and move it forward.

clan.

Thank you. Did Secretary of State Rex Tillerson endorse withdrawing from the Paris

SPICER: I'm not privy to the conversations that individuals had with the President.

We were told he wasn't at the announcement yesterday.

SPICER: I don't know.

Can you clarify the nature of the conversations that Jared Kushner had with Russian
? And what was the date of the meeting with the banker?

SPICER: I cannot. And as I mentioned the other day, we're focused on the President's
tions on these matters will be referred to outside counsel, Marc Kasowitz.

But how can you not answer questions about it when the President himself tweets about

SPICER: I just -- we're focused on his agenda, and all, going forward, all questions
to outside counsel.

..

Thanks. Firstly, noting that you're not responding to any of those questions -- if
a new spokespeople or people who will respond to this, that would be helpful. Two thi
earch for the FBI director?

SPICER: As I mentioned yesterday -- I guess a couple days ago -- the President conti
es. When we have an update on that we'll let you know.

And you said you haven't talked to the President yet about whether he still believes
an you -- would it be possible for you to have that conversation with him and then rep

SPICER: If I can, I will.

7.

Even though Administrator Pruitt can't say where the President stands on climate change, his administration helped the President make this decision to withdraw from the Paris Agreement. The President stands, without knowing whether or not he thinks climate change is real?

SPICER: My understanding is that individuals gave the President advice on the deal and on what was best for the country and our people on the merits of the agreement.

Sean, we know that the President heard a lot of points of view on this on both sides of the discussion -- maybe a false impression -- that it was a difficult decision and that he was conflicted. Yesterday, he was emphatic about getting out of the agreement. In the end, was this a difficult decision?

SPICER: I honestly don't know. I mean, that's what -- the President is the ultimate decision maker on a decision -- when he gets the information that is required he lets us know that has a decision.

One other thing. There's a lot of talk about renegotiation. Why renegotiate? The President wants to simply reduce the targets. Why not just do that?

SPICER: Because the President believes that it is in our country's best interest to renegotiate.

Sean, the President signed a waiver yesterday that delays a campaign promise to move the embassy to Jerusalem. I know you said that this was to not hinder any sort of peace deal. But how confident is the President that this is a campaign promise that he's going to keep?

SPICER: I think when the President signed the waiver under the Jerusalem Embassy Act, which allows the President to move the embassy from Tel Aviv to Jerusalem, no one should consider this step in any way to hinder the President's strong support for Israel and for the U.S.-Israeli relationship.

The President made this decision to maximize the chance of successfully negotiating a deal with the Iranians, fulfilling a solemn obligation to defend America's national security interest. In the event of a decision to move the embassy, the question is not if that move happens, but when.

But he promised in the campaign to do it on day one. I mean, is there a time frame?

SPICER: His ultimate goal is to get peace. And as I said, it's not an "if," it's a "when." It's a matter of when. It's a matter of when it happens.

Thank you, Sean. Following up on Kaitlan's question, -- and I have a second thing about the administration's position, though, that Jared Kushner was in the meeting with the Russian bank, the Russian bank's position, representing the President?

SPICER: As I said to Kaitlan, we're focused on the President's agenda, and going forward, anything that will be referred to outside counsel, Marc Kasowitz.

Well, something you may be able to answer directly, does the President still have confidence in Jared Kushner?

SPICER: Absolutely.

Thank you, Sean. One of the ethics waivers the White House released applied to all discussions with the news media was retroactive. Was that aimed at -- did the White House have that in mind with Breitbart News in mind? Was that applied retroactively to address those comments to Director Shaub's claim that if you (inaudible) retroactively you have violated the law?

SPICER: Yes, that's correct. There's two pieces to that that are important. One is with the law or regulations. This had to do with the President's pledge -- so he is the President. This isn't with respect to a law or regulation. And what we discovered was that several people had worked for media organizations, and in order to continue having those discussions and to make sure that all individuals had the opportunity to be heard, it was important to make sure that all individuals had the opportunity to be heard about what the President was doing to make the country stronger.

And what it's worth, today happens to be National Leave Work Early Day. (Laughter.) I hope you can take advantage of that and maybe you can go home -- if you participated in National Donut Day -- you can take advantage of that. And that, I hope you guys take advantage of that day. Have a great weekend. Thank you.

Are you going home early? (Laughter.)

END

2:19 P.M. EDT

#52-06/02/2017

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 3/1/2017 11:43:43 PM
To: Hale, Michelle [hale.michelle@epa.gov]; Brown, Byron [brown.byron@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: talking points for mayors in the morning
Attachments: SP USCM Speech Card.docx

Attached this time.

From: Konkus, John
Sent: Wednesday, March 1, 2017 6:43 PM
To: Hale, Michelle <hale.michelle@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: talking points for mayors in the morning

Byron reviewed and made some edits. Points attached FYI. Delivering hard copy of the card to Michelle momentarily.

From: Hale, Michelle
Sent: Wednesday, March 1, 2017 6:04 PM
To: Brown, Byron <brown.byron@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: talking points for mayors in the morning

John, could you talk with Byron to go over the talking points that you prepared for tomorrow to see if there are any other items that the Admin should address? (Ryan's request.)

Michelle Hale
Executive Assistant to the Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW,
WJCS, Suite 3000
Washington, D.C. 20460
(202) 564-1430

Confidentiality Warning: This message and any attachments are intended only for the use of the recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this message and any attachments from your system.

US Conf. of Mayors

THEME: Optimism and Hope

There's an old quote from Yogi Berra, "The future ain't what it used to be."

NOTE: Mick Cornett, Oklahoma City, **President**

COOPERATIVE FEDERALISM

- Regulations make things regular
- WOTUS EO provides clarity
- How our environmental laws are supposed to work...COOPERATIVE FEDERALISM
- Proper role – fulfilling its original mission and protecting our environment through rules passed by Congress
- States have a primary role

TRUST

- Municipalities and cities like yours have to have a seat at the table
- Cities want clean air and clean water for their citizens
- We live in and raise our families in your cities and naturally have an incentive to ensure these processes work
- To achieve clean air/water – cities must be partners

INFRASTRUCTURE

- POTUS said it on Tuesday night, rebuilding infrastructure is going to be a major policy
- EPA has a role to play in helping with water, waste water, drinking water
- Can't allow another Flint to happen
- POTUS visited Flint during the campaign and he is committed to improving water infrastructure
- Brownfields/Superfund
- I view Agency clean-up projects as infrastructure programs

END: We can do better by your communities and we will do better.

The future ain't what it used to be.

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 3/4/2017 12:46:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: CPAC speeches
Attachments: CPAC notecard.docx; ATT00001.htm; Pruitt CPAC Draft One.docx; ATT00002.htm

Just wanted to make sure you got these Ryan...

Sent from my iPhone

Begin forwarded message:

From: "Konkus, John" <konkus.john@epa.gov>
Date: March 3, 2017 at 8:01:50 PM EST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Fwd: CPAC speeches

Sent from my iPhone

Begin forwarded message:

From: "Hale, Michelle" <hale.michelle@epa.gov>
Date: February 24, 2017 at 5:33:49 PM EST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Konkus, John" <konkus.john@epa.gov>
Subject: FW: CPAC speeches

NOTECARD format/example

Good morning!! Can you make sure these get in from of SP asap? He is asking that the note card be printed like we used to...

let him know he can call me if he has questions/needs anything changed.

Thanks,
Lincoln

OPENING: JUNE 2, 1979 ... “You are not who they say you are; let me remind you who you are.”

Significant times in history:

- Magna Carta
- Founding of America
- WWII

REAGAN: “These are the boys of Pointe du Hoc. These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.”

BRIDGE: We are living in a significant time – it’s epical what’s going on in our country...

RESTORING THE EPA

- Proper role – fulfilling its original mission or protecting our environment through rules passed by Congress
- Dispel the myth that you can’t be pro-energy and pro-environment
- Much to accomplish

RETURN TO COOPERATIVE FEDERALISM

- Regulations make things regular
- Spread beyond walls of the EPA – agencies across the city
- To achieve cleaner air/water – states must be partners rather than mere vessels of federal will.

REWARDED PERSEVERANCE

- Those of you in this room have weathered the storm
- It’s because of you our Constitutional principles remain true today.

BRIDGE: *liberty and freedom are at stake ... will future generations say “these are the heroes who stood up for freedom?”*

CLOSING Significant time: Magna Carta; limited king’s power; recognized power of checks/balances

Consequential time: Teddy Roosevelt quote

Future generations will look back and know we rose to the challenge to protect liberty and freedom

CPAC – Feb. 25 – Draft One

A New Day for Federalism

Good afternoon to you.

What a privilege it is to be with you again this year.

There's a different feeling in the room this year...it's one of excitement, optimism and one deserving of celebration.

Folks, we have been in the wilderness for too long, and let me tell you, the Red Sea has parted and we're going to take back our country.

No longer will our lives be dictated on high – we're going to rein in an overzealous Washington and put the power back where it belongs – in the hands of the American people.

As EPA Administrator I will have a lot of environmental clean up responsibilities and we won't be shy about doing our job ensuring our nation has clean water and clear air.

But there's one swamp in particular I can't wait to clean up - and its right here in DC

NOTE FROM MCKENNA: As I was clearing out my office back in Oklahoma preparing for our transition to DC, I found a sticky-note my daughter left me when I first became Attorney General.... this was six years ago...she was still in high school back in Tulsa...the note read, "First Day on the Job: Sue President Obama!"

Six years later, I have to thank McKenna for that encouragement...because not only did we do just that, but we did it and won on many instances, and today we stand together reaping the benefits of a valiant fight against federal overreach.

Restoring the EPA

I was humbled to receive a phone call from then President-elect Trump in early December to be offered the position of Administrator to the EPA.

Immediately you heard the howls from the media.

...Maybe that's part of why he picked me, I don't know!!

Over and over you could hear them- "how could the president pick this AG from Oklahoma to lead the EPA? This is the very guy who sued the agency time and time again?"

Now, if they would have learned their lesson from the 2016 election, I think they'd realize they are answering the question themselves.

President Trump understood the need to put someone in charge of this agency who had the ability to cut back the amount of over-regulation that has been occurring and to make swift changes in the right way.

I am committed to restoring the EPA to its proper role – to fulfilling it's original mission of protecting our environment through rules passed by Congress, not crammed down by an overreaching administrative agency.

I want to dispel another myth you've seen played out in the media – this idea that one can't be both pro-energy and pro-environment. I stand before you as someone who cares deeply about our environment. And this administration is committed to the role of this agency.

There is so much to accomplish. So it's important to know that my approach isn't a disregard for the agency, it's a restoration of its priorities.

We've made extraordinary progress on the environment over the decades, and that's something we should celebrate. But there is real work to be done. Under current measurements, some 40% of the country is still in nonattainment when it comes to air quality standards.

There's also toxic waste to clean up: We've got 1,300 Superfund sites and some of them have been on the list for more than three decades.

Think about how tangible it would be to the citizens of Washington state to finally have the Hanford nuclear site cleaned up. Think about how tangible it would be to the citizens along the Hudson River, to fix that pollution. These are some of the most direct things we can do to benefit our environment. That ought to get people at the agency excited. It ought to get people in this country excited.

I also realize we have an energy industry that is second-to-none in the world. We must work together to ensure our environment is protected while not hindering one of our country's most valuable resources. It can be done – NOW it is being done.

Return of Cooperative Federalism

I've said before, the purpose of regulations are to make things regular. That is what I am committed to doing, to putting the public on clear notice of its obligations – fairly – without picking winners and losers or making rules to please special interests.

I also pledge to you today, as the Administrator to the EPA, we will restore the concept of cooperative federalism to our agency – and I'm hopeful it will spread far beyond just

the walls of the EPA, but in every agency across our nation's capital.

If we truly want to advance and achieve cleaner air, water, and land, the States must be partners and not mere vessels of federal will.

To this end, we will dedicate additional resources within the Office of the Administrator to ensure that the States are our partners in carrying out the mission of this Agency and that we are utilizing the expertise and resources that the States have to offer.

And this week you saw that we are going to be an agency that gets results.

Working with President Trump we signed two executive orders that will put the brakes on executive orders passed by President Obama – the Clean Power Plan and the Waters of the United States.

On the Clean Power Plan – no longer will we have an imperial White House that tries to shut down an entire industry the don't like. The War on Coal is over.

As for WOTUS well... We've got enough important work to do here at the EPA without wasting resources making sure your yard is compliant with President Obama's puddle guidelines.

Rewarded Perseverance

Those of you in this room have weathered the storm. It's because of your perseverance we are able to preserve the very foundation of our democracy. It's because of you the very principles that are protected by our Constitution remain true across our land today.

It's an exciting time for our country...this sense of optimism reminds me of our Founders. Our Founders knew the importance of servant leadership, making decisions for posterity, not for themselves. You see, they experienced the pre-Revolution era, a government that was not about self-governance, but one where the governing elites made decisions. Our Founders rebelled against this idea. For the past eight years, Americans have been living in their own era of pre-Revolutionary ideals.

Today, we get to look ahead at the many opportunities this new beginning presents. Together, as our Founders did more than 200 years ago, we can restore a strong conviction of self-government...embracing the idea that government does not exist to serve itself, government exists to serve YOU.

President Ronald Reagan once said, "Man is not free unless government is limited."

The opportunity to make a life in whatever manner one sees fit and to know the government is not going to be for or against you, picking winners and losers, but rather an enforcer of equal opportunity.

There's a new President at the 1600 Pennsylvania Avenue...a new administrator at the EPA... and thanks to your perseverance, it's a new day for federalism in America.
Thank you and God bless.

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 3/3/2017 5:29:46 PM
To: Hull, George [Hull.George@epa.gov]
Subject: FW: Draft: WOTUS comms plan

DRAFT: Waters of the United States

Top line talking points:

- Under the waters of the United States Rule the government has claimed the right to regulate every ounce of standing water, from a puddle in the yard to a farmer's feeding pond.
- Not only have the courts stayed this rule, the American people have told their Members of Congress that this rule an overreach that must stop.
- A bipartisan majority in the 114th Congress rejected the WOTUS rule with the passage of a resolution under the Congressional Review Act in January 2016.
- American landowners and companies spend \$1.7 billion every year on wetlands permits – approvals from federal regulatory to use land near what the federal government defines as a navigable water.
- The President has directed the EPA and the Army Corps of Engineers to not only reconsider the Waters of the U.S. rule, but has provided clarity on how to apply the Clean Water Act.
- This action preserves a federal role to protect the nation's water quality. However, this also restores States' role and States' regulation of water
- The WOTUS rule never went into effect because 32 states sued EPA challenging the rule and 2 courts granted a stay. On Oct 9, 2015, the 6th Circuit applied the stay nationwide to the WOTUS rule.

o The National Association of Manufacturers says that the WOTUS rule "exerts power over a staggering range of man-made and isolated features even if they are usually dry or too small to appear on a map. The definitions are complex and vague, and often require case-by-case determinations by the agencies."

o The National Association of Homebuilders sums up the rule's disastrous impact on everyday lives: "while many wetlands and streams are an important part of the ecosystem and should be protected, the new definition represents federal overreach of the worst kind: more permits, more regulation and more costs without a corresponding environmental benefit. The new 'waters of the U.S.' definition means, for example, that a builder in Arizona would have to get a permit for an activity in a dry desert wash that could be 30 miles from the nearest river. Such intrusive federal encroachment is bad governance and will inevitably lead to bureaucratic delays, increased project costs and mitigation fees, and ultimately, decreased housing affordability."

Actions the EPA will take:

Legal:

- Immediately implement the Executive Order.
- Submit a Notice of Proposed Rule Making with a 30-day comment period and final rule withdrawing the Clean Water Rule: Definition of 'Waters of the United States'.

Communications:

- Administrator will attend WH EO event with POTUS.
- Press release and social media announcing the implementation of the WOTUS EO and announcing the NPRM.
- Set aside the bulk of the day to arrange for media interviews for the Administrator.
- Coordinate press availability and photo spray of Administrator signing the NPRM document, triggering the withdrawal of the rule.
- Coordinate with third party organizations to help them develop their own actions to help push the message via press release, membership alerts, social media, etc.
- Coordinate with third party organizations to develop a "what they are saying" document of quotes celebrating the action for social media posting and media alerts.

> Organizations who have agreed to help as of 9:30am 2/25:

US Chamber of Commerce
National Cattleman's Beef Association
National Mining Association
Waters Advocacy Coalition
National Association of Manufacturers
National Association of Home Builders
American Petroleum Institute

From: Konkus, John [konkus.john@epa.gov]
Sent: 2/25/2017 2:20:05 PM
To: Ex. 6 - J Konkus personal email

DRAFT: Waters of the United States

Top line talking points:

- Under the Waters of the United States Rule the government has claimed the right to regulate every ounce of standing water, from a puddle in the yard to a farmer's feeding pond.
- Not only have the courts stayed this rule, the American people have told their Members of Congress that this rule an overreach that must stop.
- A bipartisan majority in the 114th Congress rejected the WOTUS rule with the passage of a resolution under the Congressional Review Act in January 2016.
- American landowners and companies spend \$1.7 billion every year on wetlands permits – approvals from federal regulatory to use land near what the federal government defines as a navigable water.
- The President has directed the EPA and the Army Corps of Engineers to not only reconsider the Waters of the U.S. rule, but has provided clarity on how to apply the Clean Water Act.
- This action preserves a federal role to protect the nation's water quality. However, this also restores States' role and States' regulation of water
- The WOTUS rule never went into effect because 32 states sued EPA challenging the rule and 2 courts granted a stay. On Oct 9, 2015, the 6th Circuit applied the stay nationwide to the WOTUS rule.
 - o The National Association of Manufacturers says that the WOTUS rule "exerts power over a staggering range of man-made and isolated features even if they are usually dry or too small to appear on a map. The definitions are complex and vague, and often require case-by-case determinations by the agencies."

o The National Association of Homebuilders sums up the rule's disastrous impact on everyday lives: "While many wetlands and streams are an important part of the ecosystem and should be protected, the new definition represents federal overreach of the worst kind: more permits, more regulation and more costs without a corresponding environmental benefit. The new 'waters of the U.S.' definition means, for example, that a builder in Arizona would have to get a permit for an activity in a dry desert wash that could be 30 miles from the nearest river. Such intrusive federal encroachment is bad governance and will inevitably lead to bureaucratic delays, increased project costs and mitigation fees, and ultimately, decreased housing affordability."

Actions the EPA will take:

Legal:

- Immediately implement the Executive Order.
- Submit a Notice of Proposed Rule Making with a 30-day comment period and final rule withdrawing the Clean Water Rule: Definition of 'Waters of the United States'.

Communications:

- **Administrator will attend WH EO event with POTUS.**
 - Press release and social media announcing the implementation of the WOTUS EO and announcing the NPRM.
 - Set aside the bulk of the day to arrange for media interviews for the Administrator.
 - Coordinate press availability and photo spray of Administrator signing the NPRM document, triggering the withdrawal of the rule.
- **Coordinate with third party organizations to help them develop their own actions to help push the message via press release, membership alerts, social media, etc.**

•Coordinate with third party organizations to develop a “what they are saying” document of quotes celebrating the action for social media posting and media alerts.

Organizations who have agreed to help as of 5:00pm 2/24:

US Chamber of Commerce

National Cattleman’s Beef Association

National Mining Association

Waters Advocacy Coalition

National Association of Manufacturers

National Association of Home Builders

American Petroleum Institute

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 5/8/2018 8:52:28 PM
To: Burke, Marcella [burke.marcella@epa.gov]
Subject: Speeches
Attachments: CERA Speech.docx; EEI Speech 3-13-17.docx; EEI Speech Card.docx; NLC Speech Card.docx; CERA Speech Card.docx; CERA Speech Outline.docx; CERA Speech Card EMBARGOED DRAFT.PDF; WH Infrastructure Speech Card.docx; SP USCM Speech Card.docx

OPENING: Everyone wants to have their cake and eat it too. Why wouldn't you want both pro-energy and pro-environment?

BRIDGE: We can have both – look at what we've accomplished. No one does it as good as US...

CELEBRATE PROGRESS

- Since '80 63% reduction in pollutant
- Since '02 10% reduction in carbon emissions mostly due to fracking boom
- U.S. economy continued to grow, drove more miles, population & energy use up

OPPORTUNITY KNOCKS

- Abundant domestic resources: 100 billion barrels of oil & 650 trillion cubic feet of gas
- Shale gas revolution: US set to become third largest exporter of LNG by 2020
- Shout out to Harold Hamm and NAM – helping to get export ban lifted

BRIDGE: Opportunity is knocking and new leadership in the WH and at EPA will answer

EPA WILL ANSWER

- Restore trust, respect
- Abuse of process leads to litigation, uncertainty, and bad outcomes.
- Follow the rule of law... CO2 regulations always stayed, SCOTUS struck down Tailoring. Scalia: *It is plain as day that the CAA does not envision an elaborate, burdensome permitting process for major emitters of steam, oxygen, or other harmless airborne substances.*
- Stop practice of sue and settle
- Cooperative Federalism: an attitude and leadership: Appoint regional officials who share view states are partners not punishers

BRIDGE: Only week two and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...

CLOSING: Baseball fan. Astros vs. Cards right about now in Jupiter (will get you exact inning and score at the time of speech).

Yogi Berra favorite philosopher: "The future ain't what it used to be"

OPENING: Who ever said you can't have your cake and eat it too, doesn't know what to do with cake.

Why wouldn't you want both pro-energy and pro-environment?

BRIDGE: We can have both – look at what we've accomplished. No one does it as good as US...

CELEBRATE PROGRESS

- Since '80 63% reduction in pollutant
- Since '02 10% reduction in carbon emissions mostly due to fracking boom
- Energy jobs accounted for 14% of new jobs in 2016
- Oil and gas jobs grew by 40% between '07 – '13 when rest of job market fell by 3%

OPPORTUNITY KNOCKS

- Abundant domestic resources: 100 billion barrels of oil & 650 trillion cubic feet of gas
- Shale gas revolution: US set to become third largest exporter of LNG by 2020
- Shout out to Harold Hamm and NAM – helping to get export ban lifted

BRIDGE: Opportunity is knocking and new leadership in the WH and at EPA will answer

EPA WILL ANSWER

- Restore trust, respect
- Abuse of process leads to bad outcomes
- Follow the rule of law... CO2 regulations always stayed, Tailoring struck down
- Stop practice of sue and settle
- '97 – '09 only 2 FIP's vs. under Obama 19
- Cooperative Federalism: an attitude and leadership: Appoint regional officials who share view states are partners not advisories

BRIDGE: Only week two and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...

CLOSING: Baseball fan. Astros vs. Cards right about now in Jupiter (will get you exact inning and score at the time of speech).

Yogi Berra favorite philosopher: "The future ain't what it used to be"

CERA - Speech Outline

You CAN have your cake and eat it too

Everyone wants to have their cake and eat it too. Why wouldn't they if they could?

When it comes to American energy and a clean environment, we can in fact have our cake and eat it too.

After all, why wouldn't we want both energy independence, jobs and a robust economy AND a clean air, clean water and a healthy environment?

The fact is, we've been able to achieve both.

No country in the world is as good as we are at growing our economy while achieving environmental protections.

We should celebrate this achievement.

Let's celebrate

We should celebrate the fact that since 1980 we have enjoyed a 63% reduction in National Air Quality criteria pollutants.

Since 2002 we have reduced our carbon emissions by 10%, mostly due to the boom in fracking.

At the same time we have dramatically reduced air pollution, we have grown our economy, Americans have driven more miles and population and energy use has risen.

Opportunity knocks

There are still many opportunities knocking on the door.

As CERA told us on the pages of the Wall Street Journal this week, America is experiencing an oil and gas revolution.

We enjoy an abundance of America domestic energy resources including 100 billion barrels of oil and 650 trillion cubic feet of gas waiting to be tapped.

Technology allows us to access these resources in a more efficient and environmentally sound manner.

The shale gas revolution is very exciting because it will bring not only cheaper and cleaner energy for American consumers, it will bring American jobs.

The U.S. is set to become the third largest exporter of LNG in the world by 2020.

Speaking of energy exports, let's give a hand to Harold Hamm and the NAM grassroots army for helping get the domestic oil ban lifted.

I enjoyed speaking at the NAM conference earlier this week in Arizona. I told them about how EPA will work under the new Administration, and I want to share this new approach and new vision with you.

The new EPA

Opportunity is indeed knocking, and the new leadership at the White House and at EPA are ready to answer.

We are going to restore trust and respect within the agency and with our stakeholders at the state level and with industry.

At the EPA, and it starts at the top with me as Administrator, we are going to listen, learn and lead.

We are also going to follow our statutory duties as directed by Congress.

Process matters

Regulations ought to make things regular. Regulators exist to give certainty to those they regulate. Those that we regulate ought to know what's expected of them so that they can plan and allocate resources to comply.

The process we engage in to adopt regulations is very important. Because it sends a message that we take seriously our role of taking public comment and offering response and making informed decisions about how it's going to impact those in the market place to achieve the ends that we have in statute.

We are going to avoid abuses of process. Avoid guidance in rulemaking. Avoid regulations through litigation. We need to be open and objective and transparent in how we do rulemaking and follow the law as we do so.

Rule of law

When we don't follow the rule of law bad things happen. Litigation happens, uncertainty happens.

Think about this, every attempt by EPA to regulate CO2 has been shot down by the courts.

WOTUS was stayed. The Clean Power Plan was stayed and the Tailoring Rule was struck down.

Justice Scalia wrote in his decision on the Tailoring rule: "It is plain as day that the CAA does not envision an elaborate, burdensome permitting process for major emitters of steam, oxygen, or other harmless airborne substances."

That's nothing short than a commendation of the way EPA use to do business.

We are also going to stop the practice of sue and settle.

Federalism Matters

EPA sets national standards but many states have been delegated authority to issue permits to implement clean water and clean air requirements. A properly run EPA requires close communication and cooperation with state partners – not an adversarial relationship.

We need to move away from DC-mindset that EPA has to have the lead in regulating because the states are unwilling or unable to carry out their responsibilities.

We are going to appoint officials in our regional offices who share this attitude and leadership style when it comes to cooperative federalism.

We are going to appoint regional administrators who share our view that states are partners not advisories.

In conclusion

While we have much to celebrate, and we should celebrate our unique American ability to achieve both environmental protection and economic prosperity, there is more opportunity knocking every day.

As many of you know, I'm a huge baseball fan. So much so that I can tell you the Astros are leading the Cardinals (INSERT ACTUAL SCORE) in the (INSERT ACTUAL INNING) down in Jupiter right now.

As a baseball fan, I count Yogi Berra as one of my favorite philosophers.

Yogi said it right, "the future ain't what it used to be."

At EPA the future ain't what it used to be.

Thank you and Dr. Yergin I look forward to taking some of your questions.

Speech Outline

Energy and Environment Are Not Opposed

F. Scott Fitzgerald: The test of a first rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function. In business we do this a lot. In government we don't do it often enough.

The government should stop pitting energy production against a clean and health environment.

American's need both and want both and we in fact have both.

Americans need to know that energy independence, jobs and a growing economy are not opposed to clean air, clean water and a healthy environment.

The EPA and the nation can be both pro-energy and pro-jobs. We don't have to choose between the two.

Our nation has done better than any nation in the world of protecting our natural resources and protecting our environment while respecting the economic growth and jobs our nation seeks to have.

That is the job of the EPA to protect the environment for American families and regulate as directed by Congress.

Achieve Balance Through Process

We achieve this balance by following process. Process matters.

Regulations ought to make things regular. Regulators exist to give certainty to those they regulate. Those that we regulate ought to know what's expected of them so that they can plan and allocate resources to comply.

The process we engage in to adopt regulations is very important. Because it sends a message that we take seriously our role of taking public comment and offering response and making informed decisions about how it's going to impact those in the market place to achieve the ends that we have in statute.

Avoid abuses of process. Avoid guidance in rulemaking. Avoid regulations through litigation. We need to be open and objective and transparent in how we do rulemaking and follow the law as we do so.

That will send a message to those we regulate. They will know what expected of them and can act accordingly.

Federalism Matters

EPA sets national standards but many states have been delegated authority to issue permits to implement clean water and clean air requirements. Requires close communication and cooperation with state partners – not an adversarial relationship.

We need to move away from DC-mindset that EPA has to have the lead in regulating because the states are unwilling or unable to carry out their responsibilities.

EPA Should Act With a Positive Purpose

Here's another quote from F. Scott Fitzgerald: "You don't write because you want to say something, you write because you have something to say."

EPA should regulate with purpose.

Our purpose is not to regulate for regulation's sake. We should not to regulate jobs away or purposefully hurt industry. Sometimes EPA doesn't have to regulate at all. Let the states lead.

Regulation done right can help you all create jobs because it provides certainty and strikes a balance so that American families are healthy and they can enjoy energy, economic growth and jobs.

Ways EPA Regulates Energy Sector

Tuesday of this week marked my two-week anniversary on the job at EPA. In that very short amount of time, we have already begun work to achieve what I described at the top of my remarks, balance between a clean and health environment and economic growth.

Clean Water Act:

Waters of the U.S. rulemaking – cuts across energy industry. We have already taken steps to implement the President's Executive Order to review this rule.

Section 402 discharge permits – EPA has granted 46 states (including all in Appalachia) authority to issue permits to discharge into waters of the U.S.

Effluent limit guidelines – EPA's 2015 ELG for coal-fired power plants will cost approximately \$480 million and one more factor that may lead to plant closures.

Water quality criteria – 2016 selenium water quality criterion expected to impact coal mining.

Section 404 fill permits – Army Corps administers the 404 permit program but scope depends on Waters of the U.S. rule.

Clean Air Act:

Several high-profile rules establishing New Source Performance Standards affect energy extraction and generation (Clean Power Plan, oil & gas methane) – this program historically was meant to fill gaps between other air quality programs, but the previous administration used it as a leading edge to reduce greenhouse gas emissions and move the country away from coal fired power plants.

National Ambient Air Quality Standards – states should have the lead in reaching these air quality standards.

Utilities face significant permitting requirements under the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review programs.

Title V operating permits are required to be updated every five years.

Hazardous air pollutants – Supreme Court ruled EPA had to consider costs as part of its mercury rule for power plants

Safe Drinking Water Act:

Underground injection control wells (disposal, enhanced oil recovery, hydraulic fracturing) – 34 states have primacy to operate full permit program, and remaining states split program authority with EPA.

RCRA:

Coal ash management rule – EPA will be working to implement the new statutory authority to for state and federal permit programs to regulate the disposal of coal ash from power plants. Coal ash can be recycled and it helps make concrete bridges, roads, and other infrastructure last longer.

Enforcement:

National enforcement initiatives for largest air pollution emitters, including coal fired power plants, and for extractive industries.

NEPA reviews:

Clean Air Act requires EPA to review and comment on the environmental impact of other agencies' NEPA reviews – such as FERC pipeline permits

Edison Electric Institute

Tuesday, 3/13 @ 9:30am

Mandarin Oriental Hotel – Grand Ballroom

Exact Speaking Time: 9:45am-10:15am

*****Arrive at 9:30am***

Length: 15 min.; 10 min. Q&A

Introduction: Sean Trauschke, OGE

Audience: 250 energy executives

VIPs: Sean Trauschke, OGE

Nicholas Akins, American Electric Power

Contact:

Media: Closed

Opening: Whoever said you can't have your cake and eat it too, doesn't know what to do with cake.

Why wouldn't you want both pro-energy and pro-environment?

Bridge: We can have both pro – look at what we've accomplished. No one does it as good as the U.S...

Celebrate Progress

Since 80's – 65% reduction in six criteria pollutants under NAAQs program

- Industry's carbon dioxide emissions down 21 %
- Nitrogen oxides cut by nearly 80% since 1990 and sulfur dioxide down by 86%.
- All while electricity use grew by 36%
- Thanks to technology: clean coal, shale

Opportunity Knocks

- Clean Power Plan
- Coal Ash Implementation
- Approve SIPS

Opportunity is knocking and new leadership in the White House and at EPA will answer...

EPA WILL ANSWER

- Restore trust, respect
- Abuse of process leads to bad outcomes
- Follow the rule of law...CO2 regulations always stayed, Tailoring struck down
- Stop practice of sue and settle
- Obama 54 FIPS, 10x the number of last three presidents combined

Cooperative Federalism: attitude and leadership; appoint regional officials who view states as partner, not advisories

Bridge: *Less than a month on the job and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...*

Closing: Baseball...Yogi Berra: "The future ain't what it used to be."

OPENING: Whoever said you can't have your cake and eat it too, doesn't know what to do with cake.

Why wouldn't you want both pro-energy and pro-environment?

BRIDGE: We can have both – look at what we've accomplished. No one does it as good as US...

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- Cooperative Federalism: attitude and leadership: Appoint regional officials who view states as partners not advisories

BRIDGE: Less than a month on the job and already: WOTUS, methane ICR notice, CAFÉ, CPP coming...

CLOSING: Baseball...

Yogi Berra favorite philosopher: "The future ain't what it used to be"

Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 4/4/2017 5:49:10 PM
To: Wagner, Kenneth [wagner.kenneth@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Brown, Byron [brown.byron@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Bangerter, Layne [bangerter.layne@epa.gov]; Osinski, Michael [Osinski.Michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]
Subject: Materials for ECOS - Closed session - Friday 3:30 - 4:30 p.m.
Attachments: Closed Session Agenda_4-7-17.pdf; ECOS 2017 Spring Mtg Agenda.pdf; ECOS Attendee List_as of 4-4-7.pdf; ECOS Officers Bios_3-2-17.docx; ECOS 3-21-17 Q&A - updated 4-3-17.docx; Briefing Memo_ECOS 2017 Spring Mtg - Closed Session_4-7-17.docx

Ken, Troy, Tate, and Byron --

Thank you for your participation in this Friday's meeting with ECOS! The meeting will take place at the **Mayflower Hotel** (1127 Connecticut Ave NW). You are confirmed to represent EPA at the closed session from **3:30 – 4:30 p.m.** in the **Grand Ballroom**. Please know that the four of you will have reserved seats at the table with the ECOS Commissioners. Tables will be arranged in a double-horseshoe, with you seated at the bottom of the outer horseshoe.

Attached are materials which you may find helpful. As a reminder, this session is CLOSED to non-state, non-EPA attendees, so we can have an open discussion without press in the room. I've alerted ECOS staff that EPA will likely be in "listening mode," though I know the commissioners will welcome any input you may have to offer.

Attachments include:

- 1) Briefing memo
- 2) Closed session agenda
- 3) Full meeting agenda
- 4) Attendee list
- 5) Bios
- 6) Qs&As prepared for the Administrator's call w/ECOS Members on March 21 (for a flavor of what ECOS is interested in)

Please let me know if you need anything more.

Thanks,
Andrea Barbery (ECOS Liaison)
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 3/20/2018 5:00:54 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: WH Infrastructure Talking Points
Attachments: WH Infrastructure Permit Reform Talkers.docx

Liz, Per your request, attached are talking points for the WH infrastructure event tomorrow. Byron spoke with the WH staff and they would like the Administrator to focus on permitting reforms. I worked with Byron, Henry Darwin, OP, and OAR on these talking points. I will do a pocket card version of this as well. Let me know if you have any edits/thoughts.

Best,
Chris

WH Infrastructure Permitting Reform Top-Line Messaging

Permitting Reforms Through Executive and Agency Actions

- Environmental reviews and permitting decisions are duplicative across agencies and unnecessarily add to the cost of major infrastructure projects that are vital to our economy and job creation.
- We cannot expect states and the private sector to step forward and invest in infrastructure without making the permitting process easier and more predictable.
- By fixing the permitting process we can accelerate infrastructure projects and improve **economic and environmental outcomes**.
- **Executive Order 13807**, which was issued in August, and the new MOU implementing the **“One Federal Decision”** policy are important steps for repairing our broken permitting system.
- EPA is leading the way on common-sense permitting reforms that will accelerate infrastructure projects:
 - We are working with the Army Corps of Engineers to **rewrite the 2015 WOTUS rule**.
 - By clarifying the scope of Clean Water Act jurisdiction to what Congress intended, EPA will be removing one of the major sources of red tape and bureaucratic barriers for infrastructure projects.
 - We will meet our **NEPA obligations** in a timely and efficient manner.
 - We have moved our NEPA function to the Administrator’s Office to increase consistency and accountability, and will be updating our NEPA regulations and policies so projects can get developed on time rather delayed by bureaucrats.
 - We are taking concrete steps to streamline the permitting programs that EPA oversees.
 - **GOAL: all decisions, up or down, in six months.**
 - When I arrived at EPA, the agency had no agency wide-system for tracking how long it takes to issue permits.
 - One study found that since 2000, EPA has taken on average 480 days to issue preconstruction permit decisions. This is a significant increase compared to the Agency’s performance between 1990 and 2000.
 - For the first time, every program and regional office is now tracking the time it takes for them to make permitting-related decisions and reporting the data to my COO for prioritizing those that need the most improvement.
 - As we identify permitting decisions that are taking longer than 6 months, EPA will employ business process improvement strategies (a.k.a. “lean”) to increase efficiency and meet the 6-month goal.
 - On March 8, I issued a memorandum directing the Office of Policy to lead and coordinate Agency efforts to accelerate the permitting process.

- The Office of Policy will support EPA's Strategic Plan by engaging with co-regulators in situations where permitting responsibilities are delegated or authorized to a state, tribe, or locality.
- The Office of Policy will develop and implement an online permitting system that provides the ability to apply for, track, and receive permits over the Internet.
- **New Source Review Permitting Reforms**
 - EPA has initiated an effort to issue a series of guidance memos (and, as necessary, issue associated rulemakings) to simplify the New Source Review (NSR) process, and ensure that this process is consistent with the Clean Air Act.
 - The recent guidance memos highlight flexibilities in the NSR regulations available to manufacturing facilities for the permitting of new projects.

Permitting Reforms Through Legislation

The **"Legislative Outline for Rebuilding Infrastructure in America"** that the President released on February 12 contains several important proposals to amend the Clean Water Act, Clean Air Act, NEPA, and Endangered Species Act.

- Eliminate Clean Air Act requirement that EPA review environmental impact statements prepared by other agencies.
- Eliminate EPA's ability under the Clean Water Act to second guess the Army Corps of engineers and veto a permit to discharge dredge and fill material. Although EPA has only used this authority about a dozen times over the years, the mere threat of an EPA veto can derail a project.
- Avoid redundancies by allowing other agencies to take advantage of NEPA categorical exclusions or biological opinions issues by another agency.
- Amend NEPA to allow project sponsors to purchase right of way and acquire land before the NEPA environmental review is complete. Under current law, project sponsors cannot obligate federal resources for a project while the environmental impact statement is being developed. This change would help control costs and provide greater certainty.
- Expand authorities to allow more agencies to receive non-federal funding to support environmental reviews and permitting decisions.

Message

From: Brown, Byron [brown.byron@epa.gov]
Sent: 2/22/2018 4:59:29 PM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: WGA Breakfast
Attachments: Western Governors Association Mtg Talking Points 2 21 2018draft.docx; GKM Talking Points WGA 2.21.18 DRAFT.DOCX; 022518-WGA-OW Talking Points.docx; 022518-WGA-R9 Talking Points.docx

Here are the papers I have received so far.

From: Cory, Preston (Katherine)
Sent: Thursday, February 22, 2018 9:58 AM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: WGA Breakfast

Byron- will you please send me the info you received from the regions? Prepping a briefing packet for the Administrator.

Thanks,
Preston

K. Preston Cory
Director of Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
202-579-4281

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 WOTUS rule and recodify the prior regulations. We’re reviewing the 685,000 comments received and we’re working to review them.
- The second step is to propose a new definition of WOTUS. We’ve received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. On Tuesday, February 20th, we held a webinar on our Step 2 rulemaking for our state and tribal partners and we will be hosting fly-in for tribal stakeholders on March 6-7 and a State fly-in on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the ‘waters of the United States’ so that Americans receive the clarity they deserve.

Conduit Theory

- Over the years, EPA has stated in a variety of contexts, but has not finalized through a rulemaking, that releases of pollutants to groundwater with a direct hydrologic connection to a jurisdictional surface water may require permits under the Clean Water Act.
- The courts have treated this issue differently, without providing clear guidance to the regulated community.
- On Tuesday, February 13, the agency signed a Federal Register notice seeking input from states, tribes and other interested stakeholders on how pollutants that are released into groundwater from point sources that have the potential to migrate through a direct hydrologic connection into a federally-protected surface water should be treated under the Clean Water Act.
- The agency wants to hear from all stakeholders about a number of key issues, including whether EPA should review and potentially revise or clarify any previous agency statements on this issue.
- The comment period will close May 21, 2018.

Pebble Mine

- In 2014 the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine’s application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.
- Last May our Administration took the first step to rescind this due process denial and allowed the Pebble mine proponents to proceed and progress through the process. In EPA’s settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
- After hearing directly from stakeholders and the people of Alaska, we announced in late January (January 26, 2018) that the agency is suspending its process to withdraw those proposed

restrictions, leaving them in place while we receive more information on the potential mine's impact on the region's fisheries and natural resources. At this time EPA believes that any mining projects in the region would likely pose a risk to the world-class natural resources that exist there.

- This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar because the agency believes the risk to Bristol Bay may be unacceptable.
- The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.

Water Infrastructure

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- Solution must be all-of-the-above strategy.

WIFIA

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans. These projects will leverage more than a billion dollars in private capital, in addition to other funding sources, including the State Revolving Fund (SRF) loans, to help finance a total of \$5.1 billion in water infrastructure investments. We are working to close these loans.
- EPA intends to open another funding round when sufficient appropriations become available.

EPA's FY2019 Budget

- EPA is also working to support this Presidential priority by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

State Assumption of the CWA Section 404 program (Arizona and Oregon have previously expressed interest):

- EPA is working to facilitate state and tribal efforts for Clean Water Act Section 404 Program Assumption, through technical assistance, grants and other efforts.
- In June 2017, the Assumable Waters Federal Advisory Committee Act (FACA) Subcommittee submitted its report to EPA with recommendations for clarifying assumable waters.
- We are currently working to respond to the committee recommendation. EPA is committed to working actively with states to respond to the needs of the individual states who wish to assume the program.

Puget Sound No Discharge Zone:

- In July 2016, the Washington Department of Ecology issued a petition to the EPA to establish a No Discharge Zone (NDZ) ban on vessel sewage discharge in Puget Sound area waters.

- The decision to petition EPA came after more than four years of evaluation by the state, an extensive stakeholder outreach effort, and a public review period for a draft petition.
- In February 2017, EPA Region 10 determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for waters of Puget Sound. This determination is required by the Clean Water Act for a state to then proceed to finalize the proposed designation in accordance with state law.
- Washington Department of Ecology recently proposed a new rule to establish the NDZ. The public comment period opened on October 4, 2017 and closed on November 30, 2017.

Proposed Aluminum Aquatic Life Criteria Applicable to Oregon:

- EPA is under a consent decree deadline (from a Northwest Environmental Advocates lawsuit) to propose aluminum aquatic life criteria for the state of Oregon by 3/15/18.
- EPA is working with DOJ to request an extension in order to allow time for EPA to publish a final national 304(a) recommendation for aluminum before proposing aluminum criteria for Oregon. No decision to date.

Water Quality Standards for the state of Washington:

- On November 15, 2016, EPA approved 45 human health criteria (HHC) and disapproved 143 HHC submitted by Washington. EPA issued a final rule that revised certain HHC applicable to Washington's waters. EPA also approved Washington's revisions to its variance and compliance schedule provisions, which give the state and affected industries and municipalities reasonable flexibility and time to implement these new standards while making reasonable progress in improving water quality.
- On December 28, 2016, the WQS became effective for CWA purposes.
- There is no current litigation on EPA's federal rule for HHC in Washington. However, on February 21, 2017, Northwest Environmental Advocates filed a complaint regarding EPA's failure to respond to its 2013 petition for rulemaking under the Clean Water Act to update Washington's human health and aquatic life criteria. EPA denied the petition on May 31, 2017, and the litigation was dismissed. We are currently responding to a related FOIA request from Northwest Environmental Advocates for all information that EPA considered in responding to the petition.
- Also on February 21, 2017, several industry groups (including Association of Washington Businesses, Northwest Pulp & Paper Association, and American Forest & Paper Association) filed a petition requesting EPA reconsider its action on the state rule and repeal or withdraw the federal rule. Within five months of EPA receiving the industry petition, Earthjustice (on behalf of Waterkeepers Washington), Northwest Indian Fisheries Commission, and the Jamestown S'Klallam Tribe sent EPA letters requesting that EPA deny the petition.
- EPA and the State of Washington are actively engaged in collaboration with stakeholders on implementation of the HHC for PCBs, especially in the Spokane River, where EPA is a participant on the Spokane River Regional Toxics Task Force, along with affected parties such as the City of Spokane.
- Washington is considering several Clean Water Act regulatory tools, such as variances and compliance schedules, and other strategies to reduce levels of toxic pollutants, such as PCBs. The tools provide a greater degree of regulatory certainty, while continuing to evaluate options to reduce PCBs and other pollutants discharged to the Spokane River.

PFAS Talking Points (Note: we understand there may be PFAS issues in Alaska and Colorado):

Key message: Protecting public health is EPA's highest priority and EPA is working to ensure that states, tribes and communities have the tools they need to address PFAS.

- Administrator Pruitt directed a cross agency group to develop an action plan to address the needs of impacted communities.
- The group is working to identify near-term actions to support local communities; enhance coordination with states, tribes and federal partners; increase ongoing research efforts; and expand proactive communications.
- EPA is providing technical assistance to states and communities as we work together to address drinking water contamination from other PFAS.
- In 2016, EPA issued a health advisory of 70 parts per trillion (ppt) for PFOA and PFOS in drinking water to provide drinking water system operators, and state, tribal and local officials with information on the health risks of these chemicals, so they can take the appropriate actions to protect their residents.

Anaconda Copper Mine Site

February 2018

Issue: Since the Administrator approved Nevada's request to defer NPL listing of this site, two local tribes (Yerington Paiute and Walker River) have raised objections regarding the consultation process leading to the decision.

Background: The mine site was contaminated by past operations of Anaconda (ARC is its corporate successor) and Arimetco (now bankrupt). The site consists of private land, Bureau of Land Management (BLM) land, and Tribal land. The immediate hazard is from Arimetco tailings heaps that continue to leach acidic fluids high in uranium and other metals into collection ponds, which will reach capacity and overflow by 2020. If the ponds were to overflow, they would contribute additional contamination to groundwater resources currently used for drinking water, agriculture and tribal uses.

In signing a formal deferral agreement with the State of Nevada, EPA determined that the State meets the regulatory requirements for deferral. Under deferral, the State is required to achieve the same level of environmental protection as EPA under federal lead.

Under the terms of its agreement with the State, ARC will conduct the cleanup work under State oversight and will pay for site work with contribution from the State towards the Arimetco remedy. Construction of the first remedial action is expected to begin in late 2019 and will be completed in 2024.

Talking Points

- EPA greatly appreciates the sustained efforts of the Governor, his staff and NDEP officials working with EPA throughout the deferral process.
- We have developed a draft EPA/Nevada/Tribal MOU for each tribe. The MOUs provide a framework for tribal engagement in response actions taken by NV. These MOUs are as yet unsigned as we await comments from the Tribes on the latest (January 2018) versions.
- Region 9 is following up on the consultation with a letter to the Tribal Chairmen to document our consultation and coordination activities and explain how tribal input was considered in the final action.

Tronox Henderson Site

February 2018

Issue: This is a status update regarding a very significant Nevada site.

Background: The Tronox site in Henderson, Nevada is responsible for the largest perchlorate release in the United States. In 1997, perchlorate was discovered in the Los Angeles water supply and the Lower Colorado River. The source was traced upstream to the Las Vegas Wash, the Tronox site, and adjacent former Pepcon/AMPAC site. At the time, perchlorate-laden groundwater was entering Las Vegas Wash at loadings of up to 1,000 lbs/day. High doses of perchlorate in humans can decrease thyroid hormone production, critical for normal growth and development of the central nervous system in fetuses and infants. Lake Mead and the Colorado River provide drinking water to 15-20 million people in Nevada, California and Arizona. Since the mid 2000's, EPA and Nevada have reduced perchlorate loading to Lake Mead from this facility. In 2007, Tronox declared bankruptcy and the Nevada Environmental Response Trust (NERT) was established to address legacy contamination from the site, with NDEP and EPA oversight. Subsequent litigation between Tronox and Anadarko resulted in a \$5 billion settlement, of which \$1.1 billion was assigned to NERT. To effectively manage the resources of this uniquely large trust, the standard investment language in the trust agreement was amended and resulted in over \$60 million in gains last year.

An interim groundwater extraction and treatment system has been operating since 2002, reducing perchlorate concentration in the Las Vegas Wash by greater than 90% compared to a high in October 1998. NERT has been conducting the Remedial Investigation and Feasibility Study (RI/FS) since 2014 and plans to select the final remedy in 2021-2022. Current perchlorate concentrations in Las Vegas Wash exceed health standards, but are within acceptable health standards in Lake Mead and the lower Colorado River. However, approximately 65 lbs/day still enter the wash. A complex remediation and potential changes to the upcoming drinking water MCL for perchlorate remain significant challenges to be faced.

Stakeholders group include water purveyors Metropolitan Water District of Southern California, Southern Nevada Water Authority, and Central Arizona Project, who are involved to ensure perchlorate levels remain below applicable health-based standards. They attend quarterly stakeholder meetings, technical roundtables, and annual planning meetings.

Talking Points

- EPA and the Nevada Division of Environmental Protection (NDEP) work cooperatively to provide direction, solve problems, and oversee the cleanup performed by the NERT.
- NDEP and EPA are committed to reducing perchlorate loading to the Las Vegas Wash and the Colorado River System and protect downstream customers in NV, AZ, and CA.

Hawaii Pesticide Update

February 2018

Issue: Recent serious exposure incidents have led to heightened public concern regarding pesticide use practices. Elected officials and public are questioning whether HDOA adequately enforces pesticide regulations.

Background: The Hawaii Department of Agriculture (HDOA) has FIFRA primacy. With increasing urban development in Hawaii and the changes in agriculture from sugar plantations to more diverse portfolio of crops, HDOA has seen an increase in pesticide complaints. By 2016, the increase in complaints and the inability to fill HDOA's staffing vacancies resulted in a 700-case backlog. EPA worked with HDOA to address the backlog and address pesticide cases quickly. In addition, HDOA requested that EPA Region 9 take some of HDOA's most challenging pesticide misuse cases to ensure adequate and timely enforcement, including cases against Syngenta and Terminix:

Syngenta: EPA filed an Administrative Complaint in December 2016 against Syngenta for non-compliance with the FIFRA Worker Protection Standard (WPS) regulations. The complaint related to an incident of worker exposure to restricted use pesticides on Syngenta's agricultural facility on Kauai which resulted in 10 workers being treated at a local hospital. After the Complaint was issued, in January 2017, workers were again exposed to pesticides at the same facility and one was hospitalized. EPA and Syngenta recently reached the largest agency WPS settlement requiring Syngenta to pay a \$150,000 penalty and complete a \$450,000 Supplemental Environmental Project (SEP) to train non-English speaking growers on the WPS regulations in Hawaii, Guam, and the Northern Mariana Islands.

Terminix: (Enforcement Confidential) In late February, we plan to announce a settlement with Terminix in which they to pay a \$168,000 penalty for misuse of fumigants at residential and seed fumigations sites. Terminix failed to ensure that only certified workers (or workers directly supervised by a certified worker) apply a restricted-use pesticide, failed to provide proper worker protection equipment and failed to properly monitor the pesticide's application or measure the amount of pesticide used.

Stakeholder Perspectives: The recent media coverage on Syngenta, followed by the anticipated announcement of the Terminix settlement, will be of significant interest in Hawaii. Various groups are concerned that EPA has not sought sufficient penalties for these violations and are concerned about the adequacy of HDOA's pesticide program.

Talking Points:

- EPA will continue to work closely with HDOA to ensure that pesticide cases are addressed and the required training is provided per the Syngenta SEP.

Hawaii Wastewater Update February 2018

Issue: A recent 9th Circuit Court of Appeals ruling to require underground injection control-regulated injection wells to obtain a CWA NPDES discharge permit highlights unique challenges in Hawaii's wastewater management and dependence upon cesspools.

Background: Many municipal and industrial facilities in Hawaii discharge treated wastewater through surface infiltration basins or injection wells. Scientific data shows some wastewater takes subsurface flow paths to nearby surface waters. EPA already regulated the activity through an Underground Injection Control (UIC) permit, which does not address impacts to surface waters. EPA is working with the Hawaii Department of Health (HDOH) to implement this decision and evaluate whether NPDES permits might also be required for other facilities discharging to groundwater.

This issue has arisen in other parts of the country, involving coal fly ash disposal ponds, mining operations, and wastewater plants that do land application of treated effluent. EPA just published a federal register notice, inviting comment on whether EPA should revise its interpretation of NPDES requirements for these types of discharges.

Cesspools are unlined, subsurface pits where sewage is discharged. With about 88,000 cesspools, HDOH has identified them as one of the leading causes of polluted runoff. Large capacity cesspools (LCCs) which were federally banned in 2005; these serve multiple residential dwellings or a commercial facility with the capacity to serve 20 or more persons per day. EPA has identified over 4,800 LCCs in Hawaii and overseen the closure/conversion of about 70% of these. Our enforcement actions this year in Hawaii resulted in closures of 19 LCCs and over \$500,000 in fines. Two years ago, HDOH banned the construction of new small capacity cesspools and last year Hawaii required all cesspools to be upgraded to a septic system or connected to sewer by 2050. HDOH and EPA have formed a workgroup to develop and implement a statewide cesspool elimination strategy including a pilot area to focus its framework for a community-based cesspool elimination/upgrade effort.

Talking Points:

- We need HDOH to more actively manage infrastructure funds for municipalities. Statewide infrastructure needs and create demand to connect more household and industrial sources to new sewers, and to invest in upgraded wastewater treatment.

Diesel Emission Reduction Act (DERA) Grants in Nevada and Hawaii February 2018

Using FY17 funding, EPA awarded DERA grants to Nevada and Hawaii to curb harmful pollution from large diesel sources, such as trucks, buses, and agriculture equipment. The DERA program is administered by EPA's West Coast Collaborative (WCC) in EPA Regions 9 and 10. WCC is a public-private partnership that leverages public and private funds to reduce emissions from the most polluting diesel sources in the West Coast states and U.S. Territories.

Nevada Division of Environmental Protection received a \$348,002 grant to replace six old diesel public works trucks and six old diesel school buses with new vehicles with new engines.

Hawaii Department of Health received \$339,263 to replace diesel vehicles on Oahu. Leveraging an additional \$1,319,355 from State funds and participating fleets, this project will replace four old public works trucks at the Honolulu Board of Water Supply with new engines. Additionally, one old diesel transit bus will be replaced with an all-electric, zero-emission vehicle.

Including the above noted grant awards, EPA awarded nearly \$12.5 million in DERA funding to recipients in Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Oregon and Washington to reduce diesel emissions from large diesel sources, such as trucks, buses, agriculture and port equipment. These projects will improve air quality by reducing over 3,000 tons of nitrogen oxide and 200 tons of particulate matter from over 350 medium and heavy duty diesel engines.

Talking Points:

- The DERA grant program is an important part of reducing diesel emissions in your state.
- These DERA projects have reduced exposure to harmful diesel emissions, and are particularly important for cleaning up school buses, where children are present.

Hawaii Water Infrastructure Funding February 2018

Background: In the past 20 years EPA has provided over \$176 million to the HI Drinking Water SRF program. HDOH has reduced its \$100 million in ULOs and delivered much-needed funds to communities for drinking water infrastructure. However, based on the latest needs survey, Hawaii continues to have \$1 billion in drinking water needs.

Over the same period, HI Clean Water SRF program has received \$334 million and despite an estimated \$2 billion in clean water project needs, HDOH has \$90 million in ULOs. In addition to the \$2 billion in clean water infrastructure needs, Hawaii has identified approximately 90,000 active cesspools statewide. These have been identified by HDOH as one of the leading causes of polluted runoff in the state, with an estimated \$1.75 billion needed to replace or upgrade these systems.

Since 2005, Hawaii Department of Health (HDOH) has struggled to manage its SRF programs. In 2014, EPA found HDOH to be out of compliance for lack of timely and expeditious use of funds in the Drinking Water Revolving Loan Fund. We also found a lack of managerial, technical, and financial capability across both programs. HDOH responded with a Corrective Action Plan that included a schedule for hiring several positions and meeting financial targets to reduce unliquidated obligations (ULOs). HDOH met its ULO goal and is complying with EPA policy. Although other process improvements have been achieved with EPA support, HDOH has not hired a SRF program manager or fiscal manager. Fiscal management is provided by an EPA contractor. The Clean Water SRF program has now developed a significant ULO of \$90 million. To address this ULO, our end-of-year performance evaluation report requires HDOH to submit an action plan and schedule by March 23, 2018 for our approval. Tomás Torres, Region 9 Water Division Director, will discuss this requirement with HDOH while in Hawaii the week of February 20. If HDOH fails to comply with the plan, we may require a corrective action plan or withhold grants.

Talking Points:

- We will continue to work with HDOH to meet the state's immediate water infrastructure demands and ensure long-term SRF fiscal health.

Eureka Smelter Removal Site, NV

February 2018

Issue: Historical lead smelting activities in Eureka, Nevada, dating back to the late 1800s, resulted in extremely high levels of lead and arsenic contamination throughout the town. In 2012, Region 9 began removing soil contaminated with lead and arsenic in residential yards and parts of the town.

Background: Eureka, located in central Nevada on State Highway 50, is considered the birthplace of silver-lead smelting in America. It's boom years lasted from 1870 to 1885. By 1873, 17 furnaces located in eight smelters were operating two large smelters, accounting for most of the production. In 1890 and 1891, these smelters closed due to falling silver prices.

Ore processing and smelting activities produced slag waste material containing lead and arsenic. Smelter fumes emitted from furnace stacks deposited lead and arsenic downwind throughout the town. Wind, water and human redistribution of smelting byproducts resulted in widespread contamination of residential property and public spaces.

Region 9 has been conducting removal actions to address extremely high lead and arsenic contamination in soil, which includes some of the highest concentrations of lead and arsenic in the Region. As there are no financially viable responsible parties, the cleanup has been funded through Superfund.

To date, EPA Region 9 has cleaned up 126 residential properties, at no cost to the property owners. EPA plans to complete cleanup of the remaining 37 residential properties and grade and cap contaminated hillsides and slag piles over the next 3 years, if funding is available.

Stakeholder Perspectives: The Eureka County Board of Commissioners opposed NPL listing and would like EPA's work to be finished as quickly as possible. Region 9 has no current plans to propose the site to the NPL. The Nevada Division of Environmental Protection values its relationship with Eureka County. State and federal elected officials want EPA's cleanup to be completed to protect human health.

Talking Points:

- To date, 126 residential properties have been cleaned up, at no cost to the property owners.
- The cleanup action has reduced exposure of sensitive populations to lead and arsenic contamination.
- The Town of Eureka and Eureka County have assisted EPA in this removal action: Eureka County donated land for construction of a repository to hold the excavated waste rock and soil.

Red Hill Underground Fuel Tanks

February 2018

Issue: EPA, Hawaii and US Navy are working to define solutions to retrofit leaking fuel tanks to protect Honolulu's drinking water supply.

Background: The Navy's Red Hill facility is the largest of its kind and supplies fuel for the Pacific Fleet at Pearl Harbor. It consists of 20 cylindrical underground cavern tanks mined in basalt rock during World War II. Each concrete tank is as tall as a 20-story building.

In response to a release of about 27,000 gallons of jet fuel in January 2014, EPA and Hawaii entered into a joint Administrative Order on Consent (AOC) with the Navy in 2015. This AOC requires the Navy to develop and implement an upgrade plan for these tanks to prevent future releases and to implement studies to inform upgrade decisions. The AOC establishes a 20-year timeline for getting all tanks upgraded to technologies approved by Hawaii and EPA. We expect to decide on the first upgrade proposal by the end of 2018. Significant progress has been made: six tank upgrade options are currently being evaluated. Hawaii and EPA have hired petroleum industry technical experts and groundwater modeling experts to help oversee the work.

The local water utility, the Honolulu Board of Water Supply (BWS), has expressed strong concern regarding threats presented by this facility to drinking water and groundwater resources. BWS advocates closing the tanks or, at a minimum, retrofitting the facility with secondary containment. The Sierra Club has sued the State, alleging it has not met its statutory obligations regarding upgrades at Red Hill.

The cost to retrofit 20 tanks at Red Hill will be significant. Current estimates range from \$10 million to \$250 million per tank (\$200 million to \$5 billion total) depending upon the retrofit method. The Navy will be hosting a community workshop on March 14, 2018 to present the upgrade options study recently published.

Talking Points:

- EPA's goal is to assure that fuel for Navy operations at Pearl Harbor is stored in a manner protective of drinking water supplies and the environment.
- EPA anticipates a technically complex and politically controversial decision regarding appropriate upgrades for the facility.
- EPA, in partnership with Hawaii, has devoted extensive resources to oversee the work required by the Red Hill AOC, and to ensure elected officials are updated regularly.

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 6/18/2018 8:00:47 PM
To: White, Elizabeth [white.elizabeth@epa.gov]
Subject: RE: FOIA Non-Email Search - State Action Tour -URGENT - COB TODAY
Attachments: East Chicago Missouri Talking Points.docx; FINAL East Chicago Trip.docx; Full East Chicago SF Tour.docx; East Chicago & Missouri Follow Up.docx; Alabam Travel (July 6) w press.docx; Alabam Travel (July 6) w press.docx; SP PA Mine Tour.docx

1. Have you ever used personal email to conduct Agency business related to the decision process used to decide which states Administrator Scott Pruitt would attend during his "State Action Tour" or which non-EPA persons/organizations/entities would meet with during his "State Action Tour?"
 - If so, please indicate whether you have forwarded such message(s) to your epa.gov account and provide a copy of the forwarded message to Fred No (no.fredrick@epa.gov).

No.

Attached are the documents I could find related to the "State Action Tour"

From: White, Elizabeth
Sent: Monday, June 18, 2018 3:12 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: FOIA Non-Email Search - State Action Tour -URGENT - COB TODAY
Importance: High

Hey Troy – can you check on this? Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: White, Elizabeth
Sent: Friday, June 15, 2018 2:37 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Dewey, Amy <Dewey.Amy@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: FOIA Non-Email Search - State Action Tour -URGENT - COB TODAY
Importance: High

Please respond ASAP. If you have documents please let me know and I will come get them from you.

We need you to conduct a search of non-email records in your possession in accordance with the following parameters:

(1) Subject Matter of potentially responsive records: EPA records relating to (1) the process, planning, or criteria used to decide which states would be visited by Administrator Pruitt on his "State Action Tour"; and (2) the process, planning, or criteria used to decide which non-EPA persons, organizations, or entities to invite to attend any meeting with EPA officials during the "State Action Tour."

(2) Date range of potentially responsive records: 2/17/17 – 3/1/18

(3) Please conduct a search of the following types of records in your possession:

- Paper files (including, but not limited to, phone logs, schedules, handwritten notes, etc.);
- Non-email electronically stored information ("ESI"):
 - OneDrive
 - SharePoint
 - Government Furnished Equipment ("GFE") computer hard drive(s)
 - Lotus Notes database(s)
 - Any other local or shared hard drive(s)
- Text messages
- Voicemail
- External Drive(s) and Disc(s)
- Other non-email Agency records in your possession that are likely to be responsive records.

While conducting your search, ***please take notes on your search methods*** (e.g., type(s) of records, location(s) searched, how you identified responsive records, etc.).

To conclude your search efforts, ***please specifically answer the following question***:

1. Have you ever used personal email to conduct Agency business related to the decision process used to decide which states Administrator Scott Pruitt would attend during his "State Action Tour" or which non-EPA persons/organizations/entities would meet with during his "State Action Tour?"
 - If so, please indicate whether you have forwarded such message(s) to your epa.gov account and provide a copy of the forwarded message to Fred No (no.fredrick@epa.gov).

Beth White

Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: White, Elizabeth

Sent: Monday, June 11, 2018 3:19 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Dewey, Amy <Dewey.Amy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Gregory, Brandon <Gregory.Brandon@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Kunder, Kelly <kunder.kelly@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Cc: Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>

Subject: FOIA Non-Email Search - State Action Tour -URGENT

Importance: High

All – following up on the email that was sent in early May. You are all custodians with respect to a FOIA request seeking documents relating to the Administrator’s “State Action Tour.” We still need you to conduct a search of the **non-email records** that may be in your possession according to the instructions below. **We need a response from you ASAP.** The court ordered deadline is next Tuesday so if there are any records we need time to go through them and make any appropriate redactions. I appreciate your help with this.

Please do not hesitate to contact me if you have questions.

Beth White

Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: No, Fredrick

Sent: Friday, May 4, 2018 1:08 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brennan, Thomas <Brennan.Thomas@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Dewey, Amy <Dewey.Amy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gregory, Brandon <Gregory.Brandon@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Tanner, Lee <Tanner.Lee@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Feeley, Drew (Robert) <feeley.drew@epa.gov>
Subject: NRDC FOIA (EPA-HQ-2017-010175) - non-email records search request

Hello,

You have been identified as a custodian likely to have agency records responsive to a FOIA request from requester NRDC seeking documents relating to EPA Administrator Scott Pruitt’s “State Action Tour.” This FOIA request has been assigned tracking number EPA-HQ-2017-010175, which is currently in litigation. In order for EPA to demonstrate the Agency conducted a reasonably calculated search, as required by the FOIA, we need you to conduct a search of **non-email records** in your possession in accordance with the following parameters:

(1) **Subject Matter of potentially responsive records:** EPA records relating to (1) the process, planning, or criteria used to decide which states would be visited by Administrator Pruitt on his “State Action Tour”; and (2) the process, planning, or criteria used to decide which non-EPA persons, organizations, or entities to invite to attend any meeting with EPA officials during the “State Action Tour.”

(2) **Date range of potentially responsive records:** 2/17/17 – 3/1/18

(3) **Please conduct a search of the following types of records in your possession:**

- Paper files (including, but not limited to, phone logs, schedules, handwritten notes, etc.);
- Non-email electronically stored information (“ESI”):
 - OneDrive
 - SharePoint
 - Government Furnished Equipment (“GFE”) computer hard drive(s)

- Lotus Notes database(s)
- Any other local or shared hard drive(s)
- Text messages
- Voicemail
- External Drive(s) and Disc(s)
- Other non-email Agency records in your possession that are likely to be responsive records.

While conducting your search, ***please take notes on your search methods*** (e.g., type(s) of records, location(s) searched, how you identified responsive records, etc.). After you have completed your search, please scan and email any responsive records located through your search efforts to Fred No (no.fredrick@epa.gov), with the email subject line, “NRDC FOIA 010175 search results.” Please also send an email if you determine you have no responsive records (i.e., responding, “No responsive records located.” ***Finally, please also include your notes briefly describing your search.***

To conclude your search efforts, ***please specifically answer the following question:***

1. Have you ever used personal email to conduct Agency business related to the decision process used to decide which states Administrator Scott Pruitt would attend during his “State Action Tour” or which non-EPA persons/organizations/entities would meet with during his “State Action Tour?”
 - a. If so, please indicate whether you have forwarded such message(s) to your epa.gov account and provide a copy of the forwarded message to Fred No (no.fredrick@epa.gov).

EPA is currently obligated by court order to search, review, and produce all non-exempt responsive records for EPA-HQ-2017-010175 by June 5, 2018. With such a tight deadline before us, we need you to complete your search and submit any responsive records and search documentation by no later than **Friday, May 11, 2018.**

If you have any questions concerning the instructions above, please call or email:

Fredrick No, (202) 564-2793, no.fredrick@epa.gov; OR

Scott Albright, (202) 564-2884, albright.scott@epa.gov.

Thank you.

Potential records custodians for EPA-HQ-2017-010175:

Scott Pruitt
 Nancy Grantham
 Thomas Brennan
 Lee Tanner
 Amy Dewey
 Cathy Milbourn
 Elizabeth Tate Bennett
 Stephen Gordon
 Millan Hupp
 Sarah Greenwalt
 Lincoln Ferguson
 Elizabeth Bowman

Ryan Jackson
Kelly Kunder
John Konkus
Kelsi Daniell
Forrest McMurray
Hayley Ford
Troy Lyons
Jahan Wilcox
Gregory Peck
Michael Shapiro
Lee Forsgren
Benita Best-Wong
John Goodin
Donna Downing
Rose Kwok
Mindy Eisenberg
Andrea Drinkard
Allison Dennis

Regards,

Fred No
U.S. EPA
Office of Administrator
Office of the Executive Secretariat
(202) 564-2793

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: Alabama Travel (July 6th)
DATE: June 30, 2017

Purpose: Senator Luther Strange (R-AL) will host you at two locations in Alabama to tour a local power plant and farm to highlight recent actions taken on the Clean Power Plan and WOTUS. You and Senator Strange will deliver brief remarks at each location focusing on the benefits of withdrawing both rules. Alabama is an ideal location to visit given both locations close proximity to each other.

CLEAN POWER PLAN TALKING POINTS

- Under the President Obama's Clean Power Plan, Alabama would have been required to hit a target reduction of 33%.
- On March 28, President Donald Trump signed the Executive Order on Energy Independence, which calls for a review of the Clean Power Plan.
- Subsequent to the President Trump's actions, I sent letters to state governors advising them that they are under no obligation to adhere to the Clean Power Plan rule.

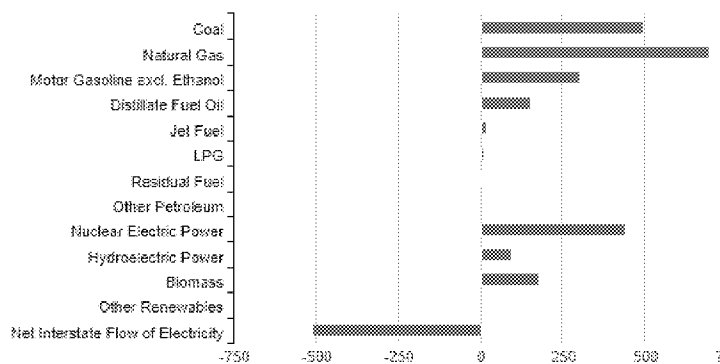
WATERS OF THE US TALKING POINTS

- We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses.
- This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.

ALABAMA ENERGY SNAPSHOT

- The electric power sector is the largest consumer of natural gas in Alabama, accounting for 63% of consumption in 2016.
- In 2016, the port of Mobile, Alabama, handled the second-largest tonnage of U.S. coal imports, as well as the third-largest tonnage of coal exports (mostly coking coal used in steelmaking).

Alabama Energy Consumption Estimates, 2015

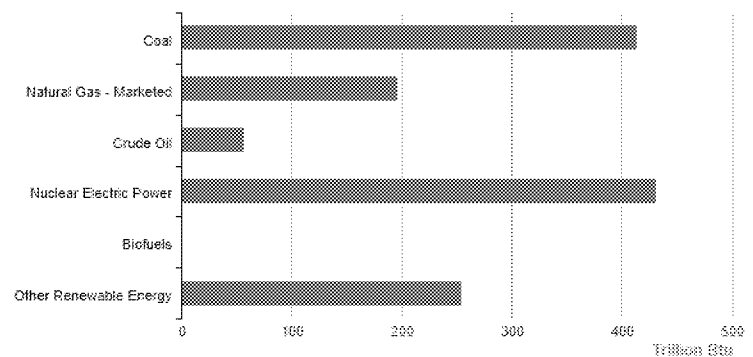


or

Alabama Energy Production Estimates, 2014



DOWNLOAD



Source: Energy Information Administration, State Energy Data System

PLANT GASTON

Background

- Total of five generating units
- 1,975 MWs of capacity—enough energy to serve about 250,000 homes
- Approximately two million tons of coal and 6 MCF of natural gas burned annually.

Environmental Enhancements

- Invested \$900 million in the following environmental controls.
- Projected to spend an additional \$350 million on additional land and water controls.
- Site of the *National Carbon Capture Center*, a DOE-sponsored research facility that accelerates the commercialization of advanced technologies to enable fossil fuel-based power plans to achieve near-zero emissions.

Workforce/Economic Impact

- 305 full-time employees (198 are part of the IBEW union).
- \$26 million annually in labor (including overtime)
- \$83 million annually in contract labor

BRENTWOOD FARMS

- A 625-acre farm that is owned and operated by Chip and Mistie Burkes
- The Burkes family has owned the property for approximately raise more than 350 head of Simmental and Sim-Angus cattle.

6:00AM-8:30AM	Departure: DCA to Birmingham
10:00AM-11:30AM	Clean Power Plan Event Plant Gaston 31972 Highway 25 Wilsonville, AL 10:15am: Plant Manager gives the safety briefing, introduces SVP of Generation Jim Heilbron 10:20am: Remarks: (Open press) -Heilbron gives a brief welcome, introduces Sen. Luther Strange -Sen. Strange gives brief welcome, introduces Administrator Pruitt -Pruitt addresses plant employees -Heilbron thanks Pruitt and Strange, dismisses audience *There will be no press Q&A, press will be located in the back of the room during the remarks. 10:45am: Begin tour of plant 11:30: Depart for Brentwood Farms
12:30PM-	Alabama Farm Federation Event

1:45PM	<p>Brentwood Farm</p> <p>12:30PM: Lunch with Chip and Mistie Burkes (owners) Attendees: Senator Strange, Administrator Pruitt Jimmy Parnell (President, Alabama Farm Federation)</p> <p>12:55pm: Tour of Farm led by Chip and Mistie Burkes 1:00pm: Larger group arrives (additional guests of Burkes family, state board and local farmers invited by ALFA, guests identified by Pruitt and/or Strange)</p> <p>1:20pm: Remarks (Open Press) -Chip Burkes introduces Jimmy Parnell for remarks -Jimmy Parnell introduces Sen. Strange to offer remarks -Sen. Strange introduces Administrator Pruitt for remarks *There will be no press Q&A, press will be located in the back of the room during the remarks.</p> <p>1:45pm: Depart for airport</p>
3:52PM	<p>BHM to DCA Arrive</p>

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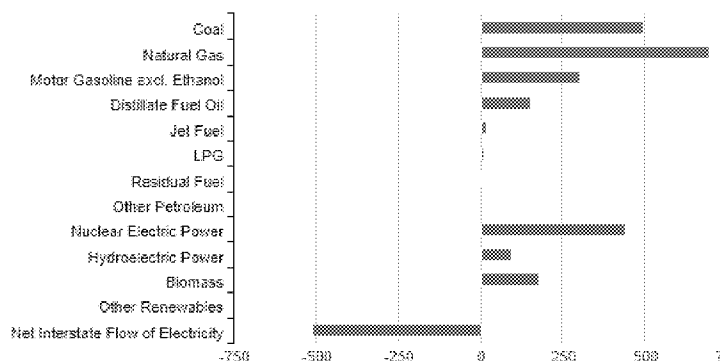
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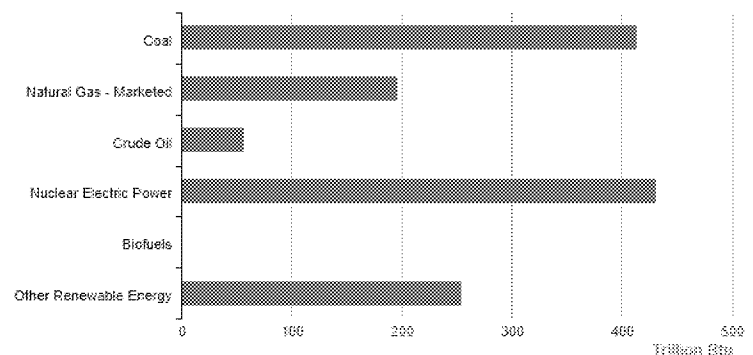


or

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Source: Energy Information Administration, State Energy Data System

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3:52PM	<p>BHM to DCA Arrive</p>

Message

From: Stoker, Michael B. [stoker.michael@epa.gov]
Sent: 6/28/2018 2:08:12 AM
To: Miller, Amy [Miller.Amy@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]
Subject: Fwd: talking points for tomorrow
Attachments: WG and CFBF talking points.docx; ATT00001.htm; CFBF EPA Groundwater Connection Comments 5-18-18 FINAL.PDF; ATT00002.htm

Plz make sure Administrator Pruitt gets this. In Phoenix waiting for flight to SB.

Michael Stoker
EPA Regional Administrator-Region 9
Cell (213) 215-3104

Begin forwarded message:

From: Ex. 6 M. Stoker personal email <Ex. 6 M. Stoker personal email>
Date: June 27, 2018 at 7:04:38 PM MST
To: "Stoker, Michael B." <stoker.michael@epa.gov>
Subject: Fwd: talking points for tomorrow

Sent from my iPhone

Begin forwarded message:

From: Rob Roy <Ex. 6>
Date: June 27, 2018 at 6:31:27 PM MST
To: Mike Stoker <Ex. 6 M. Stoker personal email>
Subject: Fw: talking points for tomorrow
Reply-To: Rob Roy <Ex. 6>

Mike a Confidential FYI, to give you and Secretary Pruitt a "heads-up" on questions and areas of concern that may be raised tomorrow. Please refer to the two attachments.
Regards, Rob.

On Wednesday, June 27, 2018 5:03 PM, Claire Wineman <claire.wineman@grower-shipper.com> wrote:

Hi Everyone,

Thank you for attending the lunch with US EPA representatives tomorrow at 11:45 at the Far Western Tavern in Orcutt on such short notice. This is a unique opportunity to meet with high-level administrators, including Mike Stoker, Region 9 Administrator. As always, we encourage you to remain productive and professional in your discussions to keep the lines of communication open to advance policy improvements.

Here is some information to review. We have reached out to our partners at Western Growers and CA Farm Bureau who are more familiar with

current issues before US EPA and we really appreciate their feedback and guidance on talking points. Please see attached for a compilation (in word) and supporting comment letter (pdf). It seems like the main three pressing issues are related to Waters of the US (WOTUS) and Clean Water Act (CWA), safe drinking water, and crop protection materials registrations.

Marla Livengood with the California Strawberry Commission is also reviewing their recent comment letters related to materials registrations (I believe including pyrethroids, neonicotinoids, and emergency use of methyl bromide) and other topics and plans to attend tomorrow.

It also seems like this proposed rule and related Executive Orders to strength science used in EPA regulations would be helpful: <https://www.epa.gov/newsreleases/epa-administrator-pruitt-proposes-rule-strengthen-science-used-epa-regulations>

If you need anything tomorrow I can be reached on my cell 805.868.8245.

Thank you,
Claire

Claire Wineman
President
Grower-Shipper Association of
Santa Barbara and San Luis Obispo Counties
Physical Address: 245 Obispo Street
Mailing Address: PO Box 10
Guadalupe, CA 93434
Phone: 805.343.2215
Cell: 805.868.8245
Fax: 805.343.6189
Email: claire.wineman@grower-shipper.com

Credit: Dennis Nuxoll, Western Growers

- 1) **Waters of the US (WOTUS).** Ask about state of play for the clean water act replacement definition. Recall Trump put a hold on the Obama definition of waters of the US and they are working on a new one.

You should express to him that a new reasonable definition needs to be issued because without that decision making on federal water jurisdiction is done case by case basis with no certainty for farmers.

After he responds to that, ask him to share directionally what the administration wants to do in substance of the replacement.

- 2) **Safe Drinking Water.** note to him that resources the federal government provides for clean safe drinking water are critical. EPA doesn't directly administer that program it lets each state run it. Gail [Western Growers] has told me CA is doing a good job but ask Pruitt is there is any prospect of additional resources flowing. You can mention to him the growing groundwater nitrate crisis in the state. Those funds are important and we could use more. Gail please add...
- 3) **Pesticides.** EPA has jurisdiction over pesticides and tell him that we are worried about two issues in that space:
 - A. First the regulatory approval process for new applications of existing pesticides is critical- as you know since produce sector has small acreage a lot of our pesticides are ones that were original formulated for corn and beans, etc and then approved for our use. That process needs to be a smooth and reasonable as possible. End of Obama it was not, better now but encourage this
 - B. Pesticides are increasingly being brought into the endangered species space. That threatens pesticide use going forward can he comment about this administrations view of that growing intersection.
 - C. Finally this is a little off topic but has EPA considered engaging proactively with the consumer community on pesticides? We feel the regulatory protocols- and hence safety of these products is high. Consumers do not and there is pressure from uneducated and ill informed folks on pesticide use. We farmers try to educate people about these products/ county commissioners for example with farm tours to show how we safely use etc. in an effort to build understanding and lower anxiety (you told me you guys do that right?). Does EPA do the same? Why doesn't EPA launch a proactive campaign like that that would help industry as it would lower consumer pressure/concern about safety.

Credit: Gail Delihant, Western Growers

Claire -- this is what I sent to Kyle (McCarthy's staffer in DC) about the **need for changes and money for drinking water issues** - feel free to share:

Streamlining the SRF process would greatly improve the ability of the state to get money out the door faster and more cost effective. We use every legal trick there is to maximize funding from the SRF. What makes it hard are things like federal consultation on endangered species, the Historic Preservation Act and needing SHPO clearance, the requirement to buy American iron and steel, Davis-Bacon Act for wages, and the federal cross-cutters. The state does its best to help agencies get through them, but it adds time and increased costs to the project. It would be a great help if the Federal NEPA requirements could be waived for drinking water SRF funding projects (similar to the CWA Sec. 319 program).

The state reports that SRF program has funded a broad range of projects.... As of June 30, 2017, approximately 86 percent (86%) of SRF funds have been for the benefit of large water systems, while approximately 14 percent (14%) of DWSRF funds have been awarded to small water systems. However, approximately 68 percent (68%) of funded projects have been for the benefit of small water systems, while 32 percent (32%) of funded projects have been for the benefit of large water systems.

It is an understatement to say that additional funding is needed!

Short Term – funding for emergency drinking water – we’ve estimated it will take about \$8.84 million a year for Admin, Technical Assistance & emergency water (which could include Reverse Osmosis (RO) units at either the point of entry (POE) to the home or point of use (POU) under the sink – CA does not allow long term use of POU/POE devices unless there is no other reasonable/cost-effective solution.

Mid-Term – Technical support is severely lacking in disadvantaged communities. Technical support could include, experts in the field of drinking water management, engineering, hydrologists, and water treatment technology.

Long Term – Funding for Capitol Costs. Current infrastructure costs are running about \$1 million a mile. Ongoing operation and maintenance costs are the biggest problem. DAC’s are unable to secure grants to fix their systems because they cannot show they have an O&M ratepayer base. That’s why we are supporting the Drinking Water Bill (SB 623) which will increase our mill tax on fertilizer which is intended to augment O&M. We are also supporting the water bond on the ballot in November as it will provide \$500 million for drinking water.

We’ve also been working with Mary-Ann Warmerdam with RCRC on the Drinking Water Bill – rural development is a key area that needs help. The 30,000 population limit is simply out dated and needs to be raised! It is critical the Farm Bill uses a clarified definition of rural populations to ensure funding for economic development projects is allocated to counties that are truly rural. We urge Congress to adopt a standardized definition of rural that includes populations of up to 50,000 to ensure more rural communities will participate in and benefit from federal economic development programs.

Credit: Kari Fisher, CA Farm Bureau

I would echo Josh regarding **WOTUS** and **CWA** issues, especially the groundwater connection issue and preserving ag exemptions (such as the normal farming exemption (CWA section 404f), ag stormwater, and irrigated return flows). I have attached our recently submitted comments to EPA on expanding NPDES permit requirements if there is a groundwater connection.

Additionally, with regard to WOTUS on the ground, our farmers, especially in Northern California, struggle with EPA and ACOE staff decisions on what is a navigable water or wetland, as each agency often times improperly expands the definitions while ignoring CWA exemptions for routine ag activities.

Credit: Corinne Madison, CA Farm Bureau

On **crop protection issues**, there is an effort to have pesticide registration reviews fully under EPA's purview. Currently, the EPA has to consult with US Fish and Wildlife on endangered species issues, creating a bottleneck and a huge delay (some pesticide reviews are backed up as far as 10 years). This is something that has to happen through Congress, but I'm curious to see if EPA has an opinion on it.

Overall, we are appreciative of the agency's efforts to approve crop protection tools as quickly as possible.

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 2/25/2017 2:32:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Schnare, David [schnare.david@epa.gov]; Ex. 6 - Samantha Dravis personal email
Subject: Draft: WOTUS comms plan

DRAFT: Waters of the United States

Top line talking points:

- Under the waters of the United States Rule the government has claimed the right to regulate every ounce of standing water, from a puddle in the yard to a farmer's feeding pond.
- Not only have the courts stayed this rule, the American people have told their Members of Congress that this rule an overreach that must stop.
- A bipartisan majority in the 114th Congress rejected the WOTUS rule with the passage of a resolution under the Congressional Review Act in January 2016.
- American landowners and companies spend \$1.7 billion every year on wetlands permits – approvals from federal regulatory to use land near what the federal government defines as a navigable water.
- The President has directed the EPA and the Army Corps of Engineers to not only reconsider the Waters of the U.S. rule, but has provided clarity on how to apply the Clean Water Act.
- This action preserves a federal role to protect the nation's water quality. However, this also restores States' role and States' regulation of water
- The WOTUS rule never went into effect because 32 states sued EPA challenging the rule and 2 courts granted a stay. On Oct 9, 2015, the 6th Circuit applied the stay nationwide to the WOTUS rule.

o The National Association of Manufacturers says that the WOTUS rule "exerts power over a staggering range of man-made and isolated features even if they are usually dry or too small to appear on a map. The definitions are complex and vague, and often require case-by-case determinations by the agencies."

o The National Association of Homebuilders sums up the rule's disastrous impact on everyday lives: "while many wetlands and streams are an important part of the ecosystem and should be protected, the new definition represents federal overreach of the worst kind: more permits, more regulation and more costs without a corresponding environmental benefit. The new 'waters of the U.S.' definition means, for example, that a builder in Arizona would have to get a permit for an activity in a dry desert wash that could be 30 miles from the nearest river. Such intrusive federal encroachment is bad governance and will inevitably lead to bureaucratic delays, increased project costs and mitigation fees, and ultimately, decreased housing affordability."

Actions the EPA will take:

Legal:

- Immediately implement the Executive Order.
- Submit a Notice of Proposed Rule Making with a 30-day comment period and final rule withdrawing the Clean Water Rule: Definition of 'Waters of the United States'.

Communications:

- Administrator will attend WH EO event with POTUS.
- Press release and social media announcing the implementation of the WOTUS EO and announcing the NPRM.
- Set aside the bulk of the day to arrange for media interviews for the Administrator.
- Coordinate press availability and photo spray of Administrator signing the NPRM document, triggering the withdrawal of the rule.
- Coordinate with third party organizations to help them develop their own actions to help push the message via press release, membership alerts, social media, etc.
- Coordinate with third party organizations to develop a "what they are saying" document of quotes celebrating the action for social media posting and media alerts.

> Organizations who have agreed to help as of 9:30am 2/25:

US Chamber of Commerce
National Cattleman's Beef Association
National Mining Association
Waters Advocacy Coalition
National Association of Manufacturers
National Association of Home Builders
American Petroleum Institute

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 9/28/2017 4:38:36 PM
To: Goodin, John [Goodin.John@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: RE: pruit invite

Docket is estimating about 300,000 now, and still going through submissions.

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Goodin, John
Sent: Thursday, September 28, 2017 7:57 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: Re: pruit invite

Last count was a shade under 200,000 but we expect that to be higher since it is common for commenters to submit on the last day (yesterday).

Sent from my iPhone

On Sep 28, 2017, at 7:48 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Do you know how many comments we've received on the proposed withdraw

On Sep 22, 2017, at 5:07 PM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Here are some TPs for WOTUS. Let me know if this works or if you need something different. Thanks.

WOTUS

· The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

· The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

- EPA and the Department of the Army are in the process of reviewing and revising the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

- On June 27, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closes on September 27th. We are eager to hear any comments that you have on the step one rulemaking.
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received. The letters are available on our website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. We’ve just heard from small entities on a call yesterday. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on [regulations.gov](https://www.regulations.gov). You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.

- More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

Sent from my iPhone

On Sep 22, 2017, at 4:50 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Andrea,

Can you get Tate the most recent WOTUS talking points we are using.

Lee

From: Bennett, Tate

Sent: Friday, September 22, 2017 4:48 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: Re: pruit invite

Hey team OW! Do you have any updates on WOTUS talking points? He's addressing a group Monday night who will be curious for an update. If not, no worries.

On Sep 22, 2017, at 4:46 PM, Stanley, Michele <mstanley@nssga.org> wrote:

Apologies, I thought I had sent everything over. I'm losing my mind! Here are the issues.

- NSSGA is interested in general terms the status of the response to the President's order on regulatory reform and what plans EPA is implementing generally. What can we expect over the next 12 months.
- In particular, an update on WOTUS would be helpful WOTUS.

There will be about 250 in the room and Kermit Frank from Dolese Brothers in Oklahoma City will be introducing him. If you'd like to see the introduction we've prepared, just let me know and I can send it over.

Regards,
Michele

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, September 22, 2017 12:53 PM

To: Stanley, Michele <mstanley@nssga.org>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: pruit invite

Any word on the speaking topics and also roughly how many folks will be in the room? Also, who will be introducing him?

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Tuesday, September 19, 2017 8:34 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We will circle back with you tomorrow morning. Thank you for reaching out.

Sent from my iPhone

On Sep 19, 2017, at 7:57 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi Michele! Do you have a list of topics your members would like to hear about next week?

On Sep 14, 2017, at 3:02 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Michele,

Thank you for that information. He'll be glad to know that. We look forward to it!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Thursday, September 14, 2017 1:12 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We just received confirmation that Secretary Zinke will be speaking at 5:30 after the Administrator. Let me know what all you need on that.

Michele

Sent from my iPhone

On Sep 12, 2017, at 3:23 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Tate will run point on looping in with Comms and will reach out as it approaches.

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:loaneill@nssga.org>]

Sent: Tuesday, September 12, 2017 3:20 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>; Hupp, Millan <hupp.millan@epa.gov>

Subject: Re: pruit invite

Excellent. Thank you so much. And again plug us into your Comms dept so we can coordinate in a way your team prefers.

Sent from my iPhone

On Sep 12, 2017, at 3:19 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Laura,

Yes, we are confirmed. The other event was moved so we are set to do this.

We will be in touch as it approaches but please let me know if you need anything from us.

Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:loaneill@nssga.org>]

Sent: Tuesday, September 12, 2017 1:58 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>

Subject: Re: pruit invite

Hi,

Are we still looking good for Mr. Pruitt?

Sent from my iPhone

On Sep 6, 2017, at 6:31 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hello Michele,

Thank you for completing. We would really like to do this event and would like to tentatively confirm. There is an all-day event at the White House that day and we are still determining the ask for the Administrator. We hope that we can make this work though. Would it be ok for us to confirm exact timing at a later date, when we've been able to nail down our other events for that day? We will plan for 5:10 to begin remarks for now and will let you know if that changes.

Additionally, it'd be great if you could update us when/if Secretary Zinke accepts the invitation so that the Administrator can be aware.

Thank you and we look forward to it!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]
Sent: Wednesday, September 6, 2017 12:43 PM
To: Ford, Hayley <ford.hayley@epa.gov>; O'Neill-Kaumo, Laura <loneill@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Here you go! Any questions, don't hesitate it reach out.

<image001.jpg>

Michele Stanley

Director of Government Affairs
National Stone, Sand and Gravel Association
66 Canal Center Plaza, Suite 300
Alexandria, VA 22314
Direct: 703-526-1093
mstanley@nssga.org

From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]
Sent: Wednesday, September 6, 2017 10:41 AM
To: O'Neill-Kaumo, Laura <loneill@nssga.org>; Stanley, Michele <mstanley@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Laura and Michele,

Thank you for the below request. I am handling the Administrator's scheduling and would be happy to bring your request to our scheduling team. Could you please complete the attached speaking request form with as much information as you can provide? We will be able to let you know shortly if we're able to confirm.

Thank you and we appreciate the invitation!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: "O'Neill-Kaumo, Laura" <loneill@nssga.org>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>

Cc: "Stanley, Michele" <mstanley@nssga.org>

Subject: Fwd: pruit invite

Tate,
Thanks for the outreach yesterday. Attached is the invitation for Mr. Pruitt. Again, we would be extremely grateful for an appearance. We can be flexible on time between 5-7pm. Also our comms department can work with yours and coordinate a message. The EPA reforms are a big priority for us and Mr Pruitt is viewed as welcomed agent of change. Please let us know.

Thank you so much!
Laura.

Sent from my iPhone

Begin forwarded message:

From: "Stanley, Michele" <mstanley@nssga.org>

Date: September 6, 2017 at 8:31:29 AM EDT

To: "O'Neill-Kaumo, Laura" <loneill@nssga.org>

Subject: pruit invite

Message

From: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Sent: 9/20/2017 3:35:22 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Gordon, Stephen [gordon.stephen@epa.gov]
Subject: RE: Memo so far
Attachments: 06-28-2017-GovRickettReynolds Bios.docx; 06-28-2017-GovRickettReynolds Memos.docx; 8-29-17KentuckyMemo.docx; ATTENDEES FOR TENTATIVE WOTUS EVENT.docx; Commerce Lex Memo.docx; Gov.BioFuels.Memo.docx; IdahoMemo.docx; KentuckyMemo.docx; Memos August 28.docx; ND-IA-TXMemosWOTUS.docx; OKCAugust25.docx; WOTUS Memos.docx; WOTUS MemosCO-INFinal.docx; WOTUS MemosTBEDIT.docx; WOTUSMemoESPJuly17-20.docx; WOTUSMemoESPJuly26-28.docx

From: Bennett, Tate
Sent: Wednesday, September 20, 2017 11:00 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>
Subject: RE: Memo so far

Your good. I just sent him a few so he can get a head start.

From: Cory, Preston (Katherine)
Sent: Wednesday, September 20, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>
Subject: Re: Memo so far

Ah!! Stephen I'll send these your way shortly- off campus at the moment.

K. Preston Cory
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
202-579-4281

On Sep 20, 2017, at 10:48 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Utah

From: Bennett, Tate
Sent: Monday, July 17, 2017 12:00 PM
To: Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: Fwd: Memo so far

Sent from my iPhone

Begin forwarded message:

From: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>

Date: July 14, 2017 at 4:10:21 PM EDT

To: "Bennett, Tate" <Bennett.Tate@epa.gov>

Subject: Memo so far

Separate sheets to go in binder with WOTUS TPs, state specific, Gold King, and CERCLA

K. Preston Cory

Special Assistant

Office of the Administrator, Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

O: (202) 564-1747

C: (202) 579-4281

<WOTUSMemoESPJuly17-20.docx>

TO: Administrator Pruitt
FROM: OCIR
CC: Troy Lyons, Tate Bennett
DATE: June 28, 2017
RE: Meeting with Governor Pete Ricketts (R-NE-Region 7)

PURPOSE: You are scheduled to meet with Governor Ricketts at 11:00AM. You spoke with him in April along with the Governors' Biofuels Coalition, which he chairs.

INFORMATION OF INTEREST: Pete is a director for the Chicago Cubs baseball team and previously served on the TD Ameritrade Board of Directors. Ricketts worked for his family's business in Omaha, a company eventually known as Ameritrade, Inc., holding several leadership roles.

TOPICS FOR DISCUSSION:

- **E15, RFS, and Renewable Volumetric Obligations (RVO)**
 - Wants to see an increase the amount of ethanol in the market by expanding the ethanol RVO and removing seasonal blend restrictions on E15
 - Agency is well on track to issuing proposed RVO rule this summer and finalizing rule by November 30 deadline
- **E30 pilot program**
 - Wrote in with Biofuel Coalition to request "simple pathway for the states to use higher ethanol blends up to E30 in state-owned fleet vehicles"
 - They are in the process of providing us with draft language
- **Point of obligation**
 - Some in industry want to move point of obligation downstream from where it is today on refiners
 - Biofuel stakeholders generally oppose moving point of obligation, and at this point, it is unlikely to change
- **WOTUS Comments**
 - Support definition that adopts a "clear and predictable standard for state and federal governmental agencies" and one that "provides for regional variation"
 - Requests that new rule not regulate irrigation or agricultural waters

****Slated to visit NE on August 8th during WOTUS tour****

TO: Administrator Pruitt
FROM: OCIR
CC: Troy Lyons, Tate Bennett
DATE: June 28, 2017
RE: Meeting with Governor Kim Reynolds (R-IA-Region 7)

PURPOSE: You are scheduled to meet with Governor Reynolds (R-IA) at 4:00PM. You spoke with her in February along with the Midwestern Governors' Association.

INFORMATION OF INTEREST: Gov. Reynolds previously served as Lt. Governor and was sworn in as Governor following Gov. Branstad's appointment as Ambassador to China. Region 7 has over 150 permitted biofuel plants.

TOPICS FOR DISCUSSION:

- **E15, RFS, and Renewable Volumetric Obligations (RVO)**
 - Wants to see an increase the amount of ethanol in the market by expanding the ethanol RVO and removing seasonal blend restrictions on E15
 - Agency is well on track to issuing proposed RVO rule this summer and finalizing rule by November 30 deadline
- **E30 Pilot Program**
 - Wrote in with Biofuel Coalition to request "simple pathway for the states to use higher ethanol blends up to E30 in state-owned fleet vehicles"
 - They are in the process of providing us with draft language
- **WOTUS Comments**
 - Relatively permanent streams should be limited to perennial rivers/ streams and permanent lakes and wetlands that are adjacent to them
- **Corn Oil 1**
 - EPA unofficially categorized Corn Oil 1, located in Council Bluffs in Southwest Iowa Renewable Energy (SIRE) ethanol plant, as a bio-intermediary which shut them off from RFS2 diesel market to compete alongside other vegetable oils
 - Claim there to be no substantial difference with process and want review of their RFS2 compliance so that Corn Oil can compete in marketplace
- **Antidegradation Implementation Procedure** (see attachment for overview)
 - Requesting EPA reverse its 1/19/2017 action to disapprove Iowa's revised Clean Water Act (CWA) antidegradation rules
 - Sarah, Tate, OW working with the region and IDNR on this

EPA's Decision on Iowa Antidegradation Water Quality Rule

Background/Status:

On January 19, 2017, EPA disapproved revisions to the *Iowa Antidegradation Water Quality Rule*. The revisions to the Iowa Antidegradation Policy and Antidegradation Implementation Procedures became effective on August 12, 2016, and were submitted to EPA on December 12, 2016. The EPA disapproval was based upon the *Water Quality Standards Regulatory Revisions Rule* which became effective on August 21, 2015. On January 29, 2017, the Office of the Governor of Iowa requested that EPA reverse its disapproval decision.

The August 2016 *Iowa Antidegradation Water Quality Rule* provides a framework for maintaining and protecting water quality that has already been achieved. The provision disapproved relates to the analysis of alternatives. Before allowing a lowering of high quality water, states must find, after an analysis of alternatives, that such lowering is necessary to accommodate important economic or social development in the area of the water.

The basis for EPA's disapproval was the change from a 115% non-binding "rule-of-thumb" for evaluating the base cost of a new or expanding wastewater discharge to a binding, hard cap of 115%. For example, if a proposed discharge would require a base cost of \$100,000 to meet the state's existing water quality requirements, any alternative costing \$115,000 or more that would result in less or no *additional* water quality degradation could not be considered in the alternatives analysis. This "less degrading" alternative could not be chosen, even if it was met with public support. The hard cap of 115% precludes any discharger from providing additional water quality protection costing 115% or more of the base costs.

Message

- The IDNR and EPA staff worked together extensively during development of the Iowa revisions to the Antidegradation Water Quality Rule. In addition, EPA received input from several stakeholder groups in Iowa.
- The IDNR and EPA staff discussed on June 23, 2017, options for documentation to provide to EPA for reconsideration. The EPA is committed to working with IDNR to develop documentation for EPA review and reconsideration.

TO: Administrator Pruitt
FROM: OCIR
CC: Troy Lyons, Tate Bennett
DATE: June 28, 2017
RE: Meeting with Governor Pete Ricketts (R-NE-Region 7)

PURPOSE: You are scheduled to meet with Governor Ricketts at 11:00AM. You spoke with him in April along with the Governors' Biofuels Coalition, which he chairs.

INFORMATION OF INTEREST: Pete is a director for the Chicago Cubs baseball team and previously served on the TD Ameritrade Board of Directors. Ricketts worked for his family's business in Omaha, a company eventually known as Ameritrade, Inc., holding several leadership roles.

TOPICS FOR DISCUSSION:

- **E15, RFS, and Renewable Volumetric Obligations (RVO)**
 - Wants to see an increase the amount of ethanol in the market by expanding the ethanol RVO and removing seasonal blend restrictions on E15
 - Agency is well on track to issuing proposed RVO rule this summer and finalizing rule by November 30 deadline
- **E30 pilot program**
 - Wrote in with Biofuel Coalition to request "simple pathway for the states to use higher ethanol blends up to E30 in state-owned fleet vehicles"
 - They are in the process of providing us with draft language
- **Point of obligation**
 - Some in industry want to move point of obligation downstream from where it is today on refiners
 - Biofuel stakeholders generally oppose moving point of obligation, and at this point, it is unlikely to change
- **WOTUS Comments**
 - Support definition that adopts a "clear and predictable standard for state and federal governmental agencies" and one that "provides for regional variation"
 - Requests that new rule not regulate irrigation or agricultural waters

****Slated to visit NE on August 8th during WOTUS tour****

TO: Administrator Pruitt
FROM: OCIR
CC: Troy Lyons, Tate Bennett
DATE: June 28, 2017
RE: Meeting with Governor Kim Reynolds (R-IA-Region 7)

PURPOSE: You are scheduled to meet with Governor Reynolds (R-IA) at 4:00PM. You spoke with her in February along with the Midwestern Governors' Association.

INFORMATION OF INTEREST: Gov. Reynolds previously served as Lt. Governor and was sworn in as Governor following Gov. Branstad's appointment as Ambassador to China. Region 7 has over 150 permitted biofuel plants.

TOPICS FOR DISCUSSION:

- **E15, RFS, and Renewable Volumetric Obligations (RVO)**
 - Wants to see an increase the amount of ethanol in the market by expanding the ethanol RVO and removing seasonal blend restrictions on E15
 - Agency is well on track to issuing proposed RVO rule this summer and finalizing rule by November 30 deadline
- **E30 Pilot Program**
 - Wrote in with Biofuel Coalition to request "simple pathway for the states to use higher ethanol blends up to E30 in state-owned fleet vehicles"
 - They are in the process of providing us with draft language
- **WOTUS Comments**
 - Relatively permanent streams should be limited to perennial rivers/ streams and permanent lakes and wetlands that are adjacent to them
- **Corn Oil 1**
 - EPA unofficially categorized Corn Oil 1, located in Council Bluffs in Southwest Iowa Renewable Energy (SIRE) ethanol plant, as a bio-intermediary which shut them off from RFS2 diesel market to compete alongside other vegetable oils
 - Claim there to be no substantial difference with process and want review of their RFS2 compliance so that Corn Oil can compete in marketplace
- **Antidegradation Implementation Procedure** (see attachment for overview)
 - Requesting EPA reverse its 1/19/2017 action to disapprove Iowa's revised Clean Water Act (CWA) antidegradation rules
 - Sarah, Tate, OW working with the region and IDNR on this

EPA's Decision on Iowa Antidegradation Water Quality Rule

Background/Status:

On January 19, 2017, EPA disapproved revisions to the *Iowa Antidegradation Water Quality Rule*. The revisions to the Iowa Antidegradation Policy and Antidegradation Implementation Procedures became effective on August 12, 2016, and were submitted to EPA on December 12, 2016. The EPA disapproval was based upon the *Water Quality Standards Regulatory Revisions Rule* which became effective on August 21, 2015. On January 29, 2017, the Office of the Governor of Iowa requested that EPA reverse its disapproval decision.

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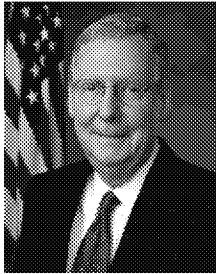
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Message

- The IDNR and EPA staff worked together extensively during development of the Iowa revisions to the Antidegradation Water Quality Rule. In addition, EPA received input from several stakeholder groups in Iowa.
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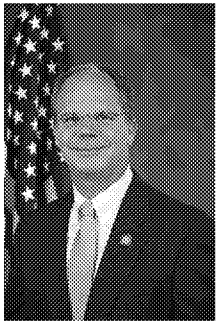
TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel Kentucky
DATE: August 29, 2017
LOCATION: Hazard/ Owensboro, KY
ATTIRE: Business casual

Bios (note: MM and NC will be on plane with you and at each event)



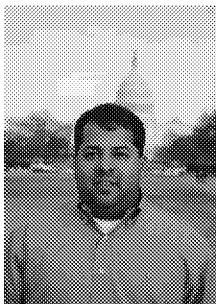
Leader McConnell

Leader McConnell is the second Kentuckian to ever serve as Majority Leader, preceded by Alvin Barkley who led the Democrats from 1937-1949. He has also served as Majority Whip and Chairman of the National Republican Senatorial Committee. He serves on the Appropriations, Agriculture and Rules Committees. Under Obama, he passed two bills to block the Clean Power Plan and led the passage of the Highway Bill. He also championed the Eastern Kentucky Concentrated Employment Program, which helps train laid-off coal miners for new jobs.



Rep. Brett Guthrie (KY-02)

Rep. Guthrie serves on the House Energy and Commerce Committee and the Education and Workforce Committee. He served previously in the Kentucky Senate and as VP of an automotive parts supplier based in Bowling Green. KY-02 encompasses Fort Knox, Bowling Green, and Owensboro and includes a few counties in the West Kentucky Coal Fields Region. Rep. Guthrie served in the military after graduating from West Point and is an avid Seinfeld fan.



Neil Chatterjee

Since 2009, Neil has served as a policy advisor to Leader McConnell, handling energy and agricultural issues. The President nominated him to serve as Chairman of the Federal Energy Regulatory Commission in May of 2017 and he was confirmed earlier this month. In addition to his work at FERC and with Leader McConnell, Neil worked for the House Ways and Means Committee, the NRECA, and Republican Conference Chairwoman Deborah Pryce. On August 22, an appeals court rejected FERC's approval of the \$3.5 billion Southeast Market Pipelines Project that the commission approved last year.



Trey Glenn, the Region 4 Administrator Appointee, will attend the KY events. Glenn served as director of the Alabama Department of Environmental Management from 2005-2009. From 2013-2017, Glenn worked for private engineering firms and lobbied for the Business Council of Alabama. His appointment was announced on August 21. He will attend the events in Hazard only.

Trey Glenn

Hazard, KY

10:15 AM ET Whayne CAT Visit

Host: Monty Boyd, CEO Whayne CAT

Background: Whayne is a mine equipment company and one of the largest Caterpillar dealerships in the world. They have sixteen locations across Kentucky and Southern Indiana. You are speaking to elected officials, employees and miners. Monty Boyd will speak, followed by Leader McConnell and you.

Notable Attendees: Secretary Charles Snavely, Kathy Walker, Joe Craft, State Rep. Brandon Smith, State Treasurer Allison Ball.

11:30 AM ET LD Gorman's Office, Black Gold Sales, Inc. Roundtable

Host: LD Gorman, Owner

Background: You will have the opportunity to engage with industry stakeholders, coal executives, and elected officials with Leader McConnell.

Notable Attendees: Leader McConnell, FERC Chair Neil Chatterjee, Jim Booth of Booth Energy, KY State Treasurer Allison Ball, Sec. of Energy and Environment Charles Snavely, President/CEO KY Power Matthew Satterwhite, Trey Glenn, other elected officials, coal execs (286 attendees total)

Western Kentucky: Owensboro/ Henderson

1:00 PM CT Owensboro Farm Bureau Roundtable

Host: Brian Wright, CEO Owensboro River Port Authority

Background: The event will take place in a warehouse at the Owensboro River Port, which handles grain and other commodities.

Notable Attendees: Mark Haney, President of Kentucky Farm Bureau and 335 total attendees

3:00 PM CT Alliance Resources Stakeholder Meeting

Host: Joe Craft, CEO Alliance Coal

Background: You will give opening remarks at the summit. All of Joe Craft's vendors from Indiana and Illinois will be in attendance with about 400 people total. You will have a chance to meet privately with McConnell, Neil Chatterjie, and Caryl Pfeiffer (KU) and your speaking role begins at 3:35 PM with a Q&A to follow after all presentations around 4:20 PM.

Notable Attendees: Congressman Brett Guthrie, State Rep. Miles, State Rep. Gooch, Bevin staff, Sen. Paul staff, Bob Berry of Big Rivers Electric, LG&E reps, Wayne Games of Vectren, coal associations

(TENTATIVE)ATTENDEES FOR WOTUS EVENT

TUESDAY, JUNE 27, 2017

Chairman Conaway

Rep. Baraso

Rep. Cole

Rep. Cramer

Rep. Flores

Rep. Gosar

Rep. Mullin

Rep. Lamalfa

Senator Ernst

Senator Inhofe

American Coalition for Clean Coal Energy

American Farm Bureau Federation

American Petroleum Institute

Chamber American Public Power

Home Builders

National Association of Manufacturers

National Rural Electric Cooperative

August 23: Boise, Idaho

9:00 AM TLK Dairy Tour and Breakfast

Background: TLK is a 17,000 head dairy operation which employs roughly 150 people. The dairy utilizes a delivery bridge feed system, the first of its kind in the U.S. TLK also grows much of their own feed and raises most of its own calves.

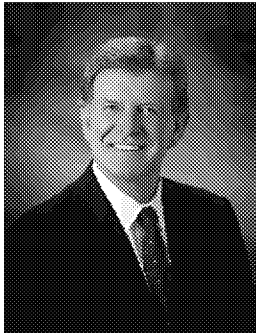
Topics:

Resource Conservation and Recovery Act (RCRA)- A court decision in Yakima set a precedent that the EPA should regulate manure from dairies as solid waste under RCRA. RCRA was intended to regulate landfills and open dumping of waste and has specific exemptions for fertilizer and crop residue returning to soil. Bipartisan legislation (Rep. Dan Newhouse) has been introduced to clarify this misinterpretation of the law.

Host: Terry Ketterling and family (owners)

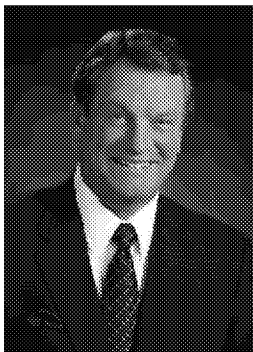
POC: Idaho State Ag Director Gould

Principle Attendees:



Governor Butch Otter (R-ID)

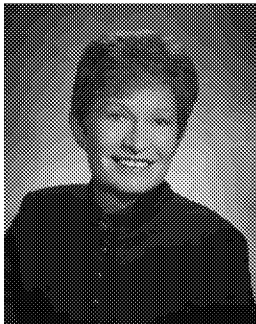
You have met Gov. Otter



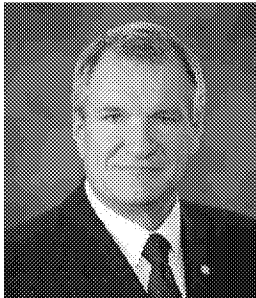
Congressman Mike Simpson (R-ID)



Lt. Governor Brad Little



Celia Gould, Director of Idaho DOA



John Tippetts, Director of Idaho DEQ

Other Attendees:

Frank Priestly, President of Idaho Farm Bureau, Simpson staff, ISDA staff, Gov. staff, Lt. Gov. staff, DEQ staff

10:00 AM Colyer Herefords and Angus Tour

Host: Guy Colyer

Background: 500+ head Hereford and Angus purebred seedstock operation

- Premier Hereford operation in the country
- Family homesteaded the operation
- Sits near the Bruneau Arm of the CJ Strike Reservoir

11:00 AM Midas Gold Idaho, Inc. in Boise with Congressman Simpson and Idaho Mining Association

CERCLA Discussion

Attendees: Mike Simpson, 4 EPA Staff, 2 Mike Simpson Staff, Idaho Mining Association

- Ben Davenport-IMA
- Jon Goode-Agrium
- Randy Vranes-Monsanto
- Alan Prouty-Simplot
- Laurel Sayer-Midas Gold
- Mckinsey Miller-Midas Gold
- Jeff Malmen- Idaho Power
- Tom Harris-Western States Cat

Background:

- Mining companies in Idaho have long been concerned about the financial assurance regulation proposed by EPA known as CERCLA. This duplicative rule jeopardizes the feasibility and affordability of projects in Idaho.
- Congressman Simpson authored language when he was Chairman of Interior and the Environment Appropriations Subcommittee to stop the rule from going into effect in its current form. The language has been included again this year at the request of Congressman Simpson.
- This discussion will allow the Idaho Mining Association the opportunity to let the Administrator know their concerns and let him know what the rule could mean for each of their companies.

12:00 PM Tentative Meeting with FMC officials

Background: remediating the Superfund Site in Power County, Idaho.

WOTUS and CERCLA discussions and efforts to work together to bring regulatory relief/certainty to industry in Idaho.

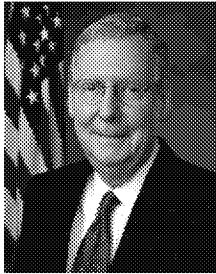
1:30 PM Meeting at Capitol with Governor Otter and other principles

Background:

Attendees:

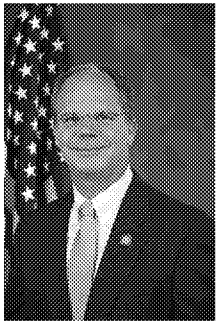
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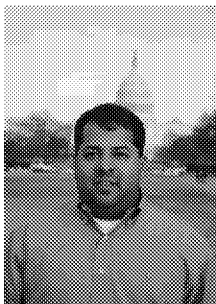
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TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 24, 2017
LOCATION: Lincoln, Nebraska

8:00 AM Breakfast Briefing with Governor Ricketts and Cabinet Members

Where: Governor's Residence, 1425 H Street, Lincoln

Topics of Discussion:

WOTUS Comments

- Support definition that adopts a "clear and predictable standard for state and federal governmental agencies" and one that "provides for regional variation"
- Requests that the new rule not regulate irrigation or agricultural waters

RFS (Point of Obligation or POO)

AIS Waivers

about two infrastructure projects for which the state has requested a waiver of the requirement to purchase American iron and steel. The waiver decisions are highlighted below. One appears ripe for a decision; the other still has an open comment period. The Governor will press the Administrator to delegate the waiver decision to the states to avoid these delays. The projects are drinking water and wastewater treatment projects with a combined value of about \$21 million.

AIS waivers nationwide – Nebraska has one that is very old and another we just filed

American Iron and Steel Requirement - Waiver Requests Received by EPA

- [HYPERLINK "<https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>"]
- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-waiver-requests-received-epa>"]
- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-approved-national-waivers-0>"]

- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-approved-project-waivers>"]
- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-draft-national-waivers>"]
- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-withdrawn-or-denied-waivers>"]
- [HYPERLINK "<https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-waiver-process>"]

The following waiver requests have been received by EPA and are open for a 15-day public comment period. Once the public comment period has closed the waiver will be reviewed by EPA.

- **Comment period closes August 16, 2017:** [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-tilting-disk-check-valves-city-bridgewater-new-jersey-dwsrf>"]
- **Comment period closes August 23, 2017:** [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-double-check-valves-city-kelley-iowa-dwsrf>"]
- **Comment period closes August 23, 2017:** [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-emergency-loan-program-projects-state-oregon-dwsrf>"]
- **Comment period closes August 25, 2017:** [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-large-diameter-butterfly-valves-marina-california-cwsrf>"]
- **Comment period closes August 29, 2017:** [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-knife-gate-valves-city-york-nebraska-cwsrf>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-stainless-steel-pipe-fabrication-city-oregon-ohio>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-double-check-valve-fort-calhoun-ne>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-double-check-valves-roxborough-colorado>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-uni-flange-adaptors-jacksonville-illinois>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-stainless-steel-check-valves-city-north-liberty-iowa>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-curb-stopcheck-valves-independence-cross-creek-joint-sewer-authority>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-public-interest-waiver-village-derby-line-vermont>"]
- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-restrained-joint-ductile-iron-fittings-city-norman-oklahoma-dwsrf>"]
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- Comment period closed: [HYPERLINK "<https://www.epa.gov/cwsrf/request-ais-waiver-45-degree-ductile-iron-elbow-fittings-city-juneau-alaska-cwsrf>"]

AIS Examples

Project #1: Fort Calhoun

- Population served – 908
- Loan Amount - \$643,800
- Plans and Specifications approved on 12/6/2016
- SRF loan closed on 12/29/2016
- City's Engineer Notified us of AIS compliance issue on 3/13/2017
- Formal Waiver Request made to EPA on 4/10/17
- There were no compliant double check valve products identified by EPA – Waiver posted for 15-Day public notice on 5/3/17
- Public notice period has passed, no official response from EPA.

The project is under construction, they have sequenced construction out of normal order, in order to remain in compliance. But backflow prevention is a regulatory requirement, the project cannot be placed into service until that double check valve assembly is installed.

Project #2: York

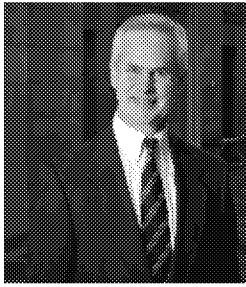
- Population served – 7,766
- Loan Amount - \$19,355,000
- Plans and Specifications approved on 10/20/2016
- SRF loan closed on 5/16/2016
- City's Engineer Notified us of AIS compliance issue July, 2017
- Formal Waiver Request made to EPA on 8/10/17
- There were no compliant double check valve products identified by EPA – Waiver will be posted for 15-Day public notice

With EPA assistance and State of Nebraska concurrence, the project managers have filed a waiver on August 20, 2017 with EPA to use 4 noncompliant knife gate valves as the domestic suppliers are not able to meet project specifications. With the back log of waivers sitting at EPA our agency is put in a position to either try to get the project to hold off on construction or all the borrower install noncompliant valves which would be breaking the law. These decisions could have consequences for both the borrower and the SRF program which ultimately will result impact our program negatively.

In addition, the program lost a \$2M loan due to foreign made stainless steel fittings being less expensive, on the order of \$300K. It is hard enough to market the program with the added Davis Bacon and American Iron and Steel requirements, but when you throw in now that the established Waiver Process has essentially stalled, we have communities and their engineers continuing to have a further wariness of working with the SRF.

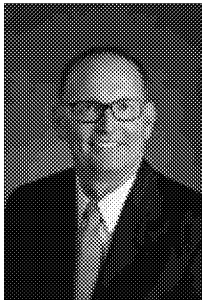
One way to solve the issue of stalled AIS waivers is to delegate authority of approving waivers to the Regions or States.

Attendees:



Mike Foley: Lt. Governor

Foley served previously as Nebraska State Auditor and in the Nebraska Unicameral Legislature as a State Senator.



Greg Ibach, Director of Nebraska Dept. of Agriculture

Ibach owns a cow/calf and grain operation in Central Nebraska. Prior to his operation, he worked for Farm Credit Services.



Jim Macy, Director of the Dept. of Environmental Quality

Macy served previously as the Director for the Missouri Department of Natural Resources' Financial Assistance Center, which provided funding for drinking water and wastewater infrastructure.

Other Nebraska Cabinet Attendees:

Courtney Dentlinger, Economic Development

David Bracht, Energy

Jeff Fassett, Natural Resources

Kyle Schneweis, Transportation

Matt Miltenberger, Governor's Chief of Staff

Lauren Kintner, Governor's Policy Research Advisor

9:00 AM Roundtable Discussion with Governor Ricketts and members of Common Sense Nebraska Coalition

Background: Organizations and entities collaborated to form CSNC in unification against the 2015 WOTUS rule.

Where: Governor's Residence, 1425 H Street, Lincoln

Who: Common Sense Nebraska Coalition members

AKSARBEN Club Managers Association	Nebraska Chamber of Commerce and Industry	Nebraska Poultry Industries
Association of General Contractors - NE Chapter	Nebraska Cooperative Council	Nebraska Rural Electric Association
Farm Credit Services of America	Nebraska Corn Board	Nebraska Soybean Association
Iowa-Nebraska Equipment Dealers Association	Nebraska Corn Growers Association	Nebraska State Dairy Association
National Federation of Independent Businesses/Nebraska	Nebraska Farm Bureau Federation	Nebraska State Home Builders Association
Nebraska Agribusiness Association	Nebraska Golf Course Superintendents Association	Nebraska State Irrigation Association
Nebraska Association of County Officials	Nebraska Grain and Feed Association	Nebraska Water Resources Association
Nebraska Association of Resource Districts	Nebraska Grain Sorghum Association	Nebraska Wheat Board
Nebraska Bankers Association	Nebraska Grain Sorghum Board	Nebraska Wheat Growers Association
Nebraska Cattlemen	Nebraska Pork Producers Association	Nemaha Natural Resources District

Pawnee County Rural
Water District #1

Stop at Baxter Stadium- Recipient of WIFIA grant (??)

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 8, 2017
LOCATION: Des Moines, Iowa

10:15 AM WOTUS Roundtable at Farm Bureau

Topline summary of issues:

RFS: Gov. Reynolds testified on behalf of the ethanol industry last week at the RFS Public Hearing in Washington, D.C. Reynolds asked for an increase in the 2019 biofuel level from 2.1 billion to 2.75 billion gallons. Iowa accounts for 16 percent of U.S. biodiesel production.

WOTUS: Gov. Reynolds, Lt. Gov. Adam Gregg, and Buchanan County, Iowa submitted comments during the initial comment period

Principle Attendees:



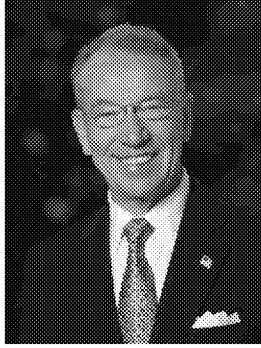
Gov. Kim Reynolds

In addition to meeting her at the Midwestern Governors' Association event and East Chicago, she visited EPA HQ and helped run the WOTUS call with attorneys general in July.



Sen. Joni Ernst

Senator Ernst is the junior U.S. Senator from Iowa. She was elected in 2014 following a 23-year stint in the military. She serves on the following committees: Armed Services, Agriculture, Nutrition and Forestry, EPW, and Small Business and Entrepreneurship. She spoke at the RFS public hearing on August 1, 2017. While she praised EPA's proposed 2016 volume requirement for conventional ethanol, she is displeased by the lowered number for advanced biofuels.



Sen. Chuck Grassley

Senator Grassley is the senior U.S. Senator from Iowa and Chairman of the Senate Judiciary Committee. He is also a leader in the development of renewable energy and staunch proponent of RFS about which you spoke prior to your confirmation hearing in February.



Sec. of Agriculture Bill Northey

Elected in 2006, and again in 2010 and 2014, Secretary Northey has championed renewable energy throughout his tenure. He chaired the National Corn Growers Association from 1996-97.

Others: Iowa Department of Agriculture and Land Stewardship, Iowa Department of Natural Resources, Iowa Farm Bureau, Agribusiness Association of Iowa, Iowa Cattlemen Association, Iowa Corn Growers Association, Iowa Pork Producers, Iowa Institute of Cooperatives, Iowa Soybean Association

POC: Austin Jacobs Ex. 6 } austin.jacobs@iowa.gov

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 9, 2017
LOCATION: Fargo/ Grand Forks, North Dakota

9:45 AM WOTUS Roundtable at NDSU College of Agriculture

Topline summary of issues:

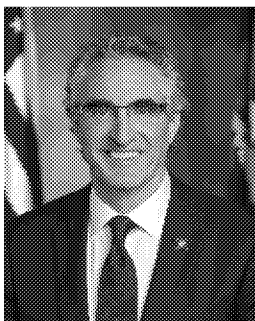
WOTUS: Rep. Kramer and Senators Hoeven and Heitkamp have been staunch advocates of repealing the 2015 WOTUS rule.

CPP: North Dakota was one of 27 states that challenged the 2015 CPP. As of February 2016, coal accounted for 80 percent of North Dakota's electricity and 13,000 jobs.

Clean Coal tech research: Rep. Kramer and Sen. Hoven have introduced legislation to align IRS guidelines with EPA regulations on carbon sequestration. This would ensure that carbon dioxide sequestration becomes more commercially available.

Sugar Beets: The EPA received FIFRA emergency exemption requests from the North Dakota Departments of Agriculture and other states this year for chlorothalonil (trade name CercosTM) due to concerns that the available alternatives were not providing adequate control of *Cercospora* leaf spot (a fungal disease) in sugar beets. On July 24, 2017, EPA denied the requests from the States due to human health risk concerns presented for this chemical; however, this is an ongoing investigation for which the EPA is collecting additional data.

Principle Attendees:



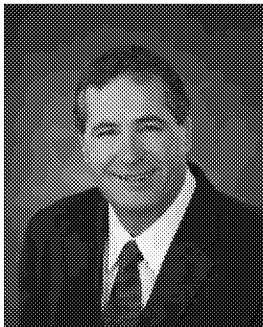
Governor Doug Burgum

Governor Burgum attended the WGA event at EPA HQ in February. He is concerned with managing CO₂ to our benefit, using technology to improve pipelines, and generally working to develop new technology in the energy sector. He recently attended an oil industry conference advocating for the doubling of production and the elimination of spills. Although he did not send in individual comments on WOTUS, North Dakota is a member of WGA, which sent in a comment letter. The state of North Dakota is in the midst of a drought disaster with almost 46 percent of the state experiencing "extreme or exceptional drought."



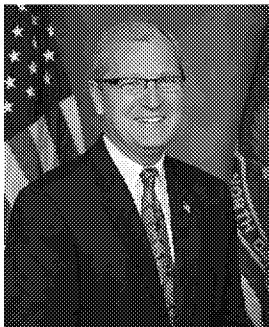
AG Wayne Stenehjem

North Dakota first elected Attorney General Stenehjem in 2001. In a press release, he applauded the motion to withdraw the WOTUS rule. He has been involved with litigation since the publishing of the 2015 WOTUS rule. In a June press release, General Stenehjem stated that withdrawing the rule is an “important step forward in the process of restoring the States’ control over their own waters.”



Ag Commissioner Doug Goehring

Commissioner Goehring operates a no-till farm where he and his son raise corn, soybeans, wheat, and barley. He is a former director of the National Soybean Board (DID NOT ATTEND)



Rep. Kevin Cramer

Rep. Cramer is the At-large congressman for North Dakota. He serves on the House Energy and Commerce Committee and served on the House Steering Committee in 2016, which determines all committee assignments and chairmanships. As an energy adviser to Trump during the campaign, he pushed for the review of the Clean Water Act.



Sen. John Hoeven

Senator Hoeven is the senior U.S. Senator for North Dakota, elected in 2011. He has lead efforts in developing a comprehensive, all-the-above national energy plan that includes both tradition and non-traditional resources. He is a member of the Senate Committee on Agriculture, Nutrition, and Forestry. He led legislation in 2016 to defund the EPA’s WOTUS rule.



Sen. Heidi Heitkamp

Senator Heitkamp is the junior U.S. Senator for North Dakota, elected in 2013. She served as director of Dakota Gasification synfuels plant and since her election to the Senate, has fought to lift the 40-year ban on the export of U.S. crude oil. Heitkamp is a member of the Senate Committee on Agriculture, Nutrition, and Forestry. She previously served as the AG of North Dakota and as North Dakota's Tax Commissioner.

Others: Sugar Beet Rep, NDSU President, NDSU Ag representative, State water engineer (speak to golf courses, construction development, etc), ND Farm Bureau, ND Farmers' Union, Stockman's Association, AG Stenehjem's invite, House Ag chair, Senate Ag chair, Lt. Gov,

*****Recently added:**

Farm stop with North Dakota corn growers, organized by Sen. Hoeven

1:45 PM Tour and Roundtable at University of North Dakota's Energy and Environmental Research Center

Attendees: Sen. Heitkamp, PSC Rep (Infrastructure), UND President, EERC Rep, Ron Ness- Petroleum Council, Tyler Hammen- Lignite Energy Council, Mac McCleanan- Project Tundra, Senate ENR chair, House ENR chair, Tribal energy rep (likely MHA Chair Mark Fox

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 10, 2017
LOCATION: Dallas, TX

Topline summary of issues:

Corporate Average Fuel Economy (CAFE) Standards: Under current Obama administration regulations, the fuel economy target for 2021 is 41 MPG and is 50 MPG by 2025. The Alliance of Automobile Manufacturers, which represents Toyota, testified in front of the House Energy and Commerce Committee in 2016 on the burden of Obama era CAFE standards. EPA is currently working to get out notice to reopen the comment period to give stakeholders an opportunity to provide the most recent data and ensure a collaborative process.

9:00 AM North Texas Municipal Water District

Background: The site of the Lower Bois d'Arc Creek Reservoir in Fannin County is going through the final permitting process and construction should begin in early 2018. The project will pipe water from a new lake to a treatment facility 35 miles away. The major components of the project include the reservoir and dam intake, raw water pipeline, a water treatment plant with an initial capacity of 70 MGD, roadway improvements and a new bridge, and an environmental mitigation area. The reservoir will serve 90 communities in North Texas.

Attendees: Executive Director Tom Kula, Deputy Director Mike Rickman

POC: Leann Bumpus, Ex. 6

11:30 AM Tour of Toyota

Background: This is a tour and discussion at Toyota's new campus. The first part of the visit will include a tour and focus on environmental and sustainability practices. The second hour will serve as an opportunity for you to discuss with 5-8 Toyota executives the state of the auto industry, development and deployment of alternative fuel vehicles, CAFE, and the California ZEV mandate.

Attendees: Doug Beebe, GM Real Estate and Facilities, will conduct the tour.

POC: Stephen Ciccone Ex. 6

1:00 PM Homebuilders' Association Visit (Recently added)**

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 25, 2017
LOCATION: Oklahoma City, OK

Main Topics of Discussion:

Methane Rule
RFS, Point of Obligation

9:00 AM Noble Research Institute

Background: NRI is an international coalition formed to promote conservation stewardship. NRI focuses on research that assists farmers and ranchers in being better stewards of land while remaining productive on a regional, national, and international level. Their operations center upon four pillars: research, producer relations, applied agricultural systems and stewardship, and education. This meeting will be an opportunity for you to learn about NRI's environmental messaging. They have several of their own cooperative extension services as well as 4H youth programs.

Attendees:

Steve Rhines, Vice President, General Counsel and Director of Public Affairs

Chad Ellis, Center for Land Stewardship Manager

Jeff Goodwin, Pasture and Range Consultant

10:00 AM Midstream Group Meeting

Background: This is an opportunity for you to discuss the Methane Rule and Point of Obligation with CEOs and technical experts.

Attendees:

Cheniere Energy

DCP Midstream

Enable Midstream

Enbridge

Enlink

Magellan Midstream

MarkWest Energy Partners

ONEOK

Williams

11:00 AM Meeting with OK Legislators

Background: 10 Representative and 10 Senators have been invited to discuss State's rights and Natural Resource issues. You will discuss cooperative federalism and suggest what they can do on a state level.

Attendees:

Senators

Sen. Mike Schulz (President Pro Tempore)
Sen. Greg Treat (Majority Floor Leader)
Sen. Kim David
Sen. Eddie Fields
Sen. Mark Allen
Sen. AJ Griffin
Sen. Dave Rader
Sen. Lonnie Paxton
Sen. Darcy Jech

House Members

Environmental Committee Members

Rep. Chris Kannady (Chair)
Rep. Tim Downing (Vice Chair)
Rep. Michael Rogers
*Rep. Terry O'Donnell (Majority Whip)
*Rep. Kevin West

Rep. Kevin Wallace (also AB chair)
Rep. Mike Sanders (Majority Leader)
Rep. Scooter Parks
Rep. Scott Biggs

Others

Rep. Ryan Martinez
Rep. Mike Osburn
*Rep. Jon Echols (Floor Leader)
**Speaker McCall

Energy Committee Members

Rep. Weldon Watson (Chair)
Rep. Mark McBride (Vice Chair)

*Not confirmed

** Speaker McCall cannot attend due to a board meeting in Atoka. He would like to meet in the future

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 2, 2017
LOCATION: Indiana- Brownsburg, Evansville, Indianapolis

Indianapolis Weather: HIGH 83, LOW 66 w/ scattered t-storms

Attire:

11:00 AM Meeting with Governor Eric Holcomb (R-IN) and officials, Indianapolis, IN

What: Meeting at Statehouse to discuss??

Who:

Background: You have met Gov. Holcomb on two occasions. He attended the February Midwestern Governors' Association meeting here at HQ and you also spent time with him in April at East Chicago. Although Holcomb did not send WOTUS comments, the Association of Indiana Counties, Inc. commented that they would like to see WOTUS redefined as "relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters."

12:00 PM M&J Starkey Farms, Brownsburg, IN

Attire:

What: 6th generation family farm raising corn, soybeans, wheat, and beef, tour and WOTUS Roundtable

Who: Mikey and Jeff Starkey, owners and operators

Background: M&J sets the gold standard for a successful, "no-till" agricultural operation and soil and water conservation practices. The farm lies within the School Branch Watershed, which includes the third largest tributary feeding Eagle Creek reservoir, the primary source of drinking water for the City of Indianapolis. Because of this, their operation is under extreme scrutiny. By adopting conservation practices such as no-till for cash crops in the off season, cover crop planting, and applying the smallest amount of fertilizer possible, Starkey has increased water retention and soil health tremendously. These practices aid his operation during drought, prevent flooding, and nitrogen runoff. For 15 years, his 100% no-till and water/soil retention practices, have ensured the runoff entering the watershed is cleaner than ever.

Starkey has received acclaim in the region for his conservation practices and studies of nutrient runoff. He is also a member of the Indiana Association of Soil and Water Conservation Districts and Supervisor on the Hendricks County SWDC.

3:00 PM Liberty Mine, Evansville, IN

Attire:

What: Vigo Coal Company, Inc.'s surface and highwall mining operation, which opened in 2012

Who: White Stallion Energy Alliance

Background: Preparations for extraction began at Liberty Mine in 2012. In 2015, Alcoa/ Vigo Coal filed for a permit to add 470 acres to the mining operation. The mine experienced major layoffs in 2016 as a result of the closing of an aluminum smelting operation in Warrick County. Other topics that are likely to come up:

- Coal Plant Retirements: Two Indiana based utilities, Vectren and NiSource, were the first two utilities to announce major coal plant retirements attributed to ELGs and CCRs.
- Coal Combustion Residuals: WSE and others would like a three-year extension to comply with the new law.
- Alcoa's Warrick Power Plant: There is a SO₂ issue at the power plant.
- CSAPR Update: Indiana is disproportionately impacted by the new rule. WSE filed a reconsideration petition in late 2016.

Attendees/ Bios:

Steve Chancellor, Chairman

- Recently acquired four coal companies in the last 16 months
- Producing 6.5 million tons in the Illinois Basin
- Previously founded and owned Black Beauty Coal Company, the largest held privately coal company in the U.S., which he sold to Peabody in 2005.
- Founded several successful ventures in the transportation, insurance, food and plastics industries.

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- Equity partner in White Stallion and serves as the company's Washington representative.
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Mark Sebree, Senior Vice President

- Best surface miner in America
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Alcoa Attendees

- Ed Hemmersbach, VP of Rolled Products
- Brad Marrs, Warrick Power Plant Manager
- Laurie Shelby, VP of Environment
- Sonya Elam, Director of Government Relations

Utility Industry

- Don Gulley, President of Southern Illinois Power Cooperative (SIPC), Chairman of Prairie State who filed re-consideration petition regarding Williamson County non-attainment one hour SO₂ ozone

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel: August
DATE: August 3-4, 2017
LOCATION: Broomfield, Durango, Woodrow

Denver weather: HIGH 70, LOW 55 PM t-storms

August 3, 2017

11:30 AM Cloud Peak Energy, Inc. Visit, Broomfield, CO

What: One of the largest U.S. coal producers and the only Powder River Basin (PRB) coal company.

Who: Colin Marshall, President and CEO, Bryan Pechersky, Executive VP and General Counsel, Richard Reavey, VP Public Affairs

Background: This visit is introductory in nature and an opportunity for you to learn about their clean coal technology and the work CPE does across Colorado, Montana, and Wyoming.

POC: Rick Curtsinger, Director Public Affairs, 720-256-7781

2:00 PM Frasier Ranch WOTUS Visit, Woodrow, CO

Attire: Jeans, boots, button-down shirt

What: 5,000 head cow/calf and stocker operation

Who: Owner Mark Frasier, agricultural stakeholders-ranchers, feedlot operators, farmers

POC: William Hammerich, CEO Colorado Livestock Association, 970-381-8379

Background: Frasier originated at a Kansas wheat farm and employs grass feeding strategy to maintain the health and productivity of the plants. He also works to ensure yearlings are on a constantly improving plane of nutrition by rotating paddocks every few days, thus improving the end product of beef. EPA visited the ranch in 2015 during the WOTUS rollout, promising it wouldn't impact agriculture. This visit is an opportunity for you to revisit the ranch and demonstrate how the work you are doing is providing relief to the agriculture community and rural America.

Attendees List:

Don Brown - Colorado Commissioner of
Agriculture

Laura Teague - County Commissioner –
Morgan County

Mark Frasier - Frasier Farms: **donated to John Salazar (D) in 2006, 2008**

Tom McDonald - Feeder

Justin Miller - Feeder

Jon Slutsky - Dairy

Glenn Benjamin - Rancher

Jessica Lemmel - Colorado Livestock Association

Chris Kraft – Dairy

Terry Fankhauser - Colorado Cattlemen's Association

Chad Vorthman - Colorado Farm Bureau

Mark Sponsler -Colorado Corn Growers

Andrew Mertens - Farmer

Joyce Kelly - Colorado Pork Producers

Randy Traxler - Colorado Wheat Growers

Ed Frank -National Cattlemen's Beef Association

August 4, 2017

Weather:

Attire:

12:45 Gold King Mine Tour (Tate)

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel
DATE: August 2, 2017
LOCATION: Indiana- Brownsburg, Evansville, Indianapolis

Indianapolis weather: HIGH 83, LOW 66 w/ scattered t-storms

11:00 AM Meeting with Governor Eric Holcomb (R-IN) and officials, Indianapolis, IN

What: Meeting in Governor's Office

Who: Morning Meeting in the Governor's office

- Governor Holcomb
- Lieutenant Governor Crouch (also Indiana's Secretary of Agriculture)
- Bruno Pigott, Commissioner, Indiana Department of Environmental Management
- Cam Clark, Director, Indiana Department of Natural Resources
- Ted McKinney, Director, Indiana Department of Agriculture
- Jim Atterholt, Chairman, Indiana Utilities Regulatory Commission
- Curtis Hill, Indiana Attorney General

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Other Attendees:

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- Mike Starkey, owner, Starkey Farm
- Ron Turco, Purdue University Department of Agronomy
- Justin Schneider, Lead Water Quality Policy Director, Indiana Farm Bureau
- Randy Kron, President, Indiana Farm Bureau
- Jane Stevens, President & CEO, Indiana Soybean and Corn Organizations
- Jordan Seger, Indiana Department of Agriculture
- Jane Hardisty, Indiana State Conservationist, USDA Natural Resources Conservation Science
- Jennifer Boyle Warner, Executive Director, Indiana Soil & Water Conservation Districts
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- Ted McKinney, Director, Indiana Department of Agriculture
- Martha Clark Mettler, Indiana Department of Environmental Management
- Julia Wickard, Indiana Department of Environmental Management

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What: This is a surface and highwall mining operation, which opened in 2012

Who: Steve Chancellor Host, White Stallion Energy Alliance

Background: White Stallion has more than 550 employees, including 80 full time at Liberty. Preparations for extraction began at Liberty Mine in 2012. In 2015, Alcoa/ Vigo Coal filed for a state permit to add 470 acres to the mining operation. This is because a currently idled Alcoa Aluminum Smelter is restarting 13 miles away, which is welcome news to rate payers as smelting is energy intensive compared to residential utilities.

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TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel: August
DATE: August 3-4, 2017
LOCATION: Broomfield, Gold King Mine, Woodrow, CO

August 3, 2017

Denver Weather: HIGH 70, LOW 55 PM t-storms

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What: Meeting at their Colorado Office

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Association

August 4, 2017

Silverton Weather: HIGH 66, LOW 50 scattered t-storms

11:00 AM-12:40 PM Tour of Gold King Mine

What: 2 legs of the tour: the first is via vehicle up to the top of the mine (45 min roundtrip) followed by a walking tour of wastewater treatment facility (20-30 min).

Who: Governor Hickenlooper, Senator Gardner and Senator Bennet and staff

Gold King Planning Committee (6)- they will mingle with EPA Senior staff while the small group of elected does the first part of the tour with their Chairman. They are much happier with the new Administration's actually choosing to address the site.

EPA Regional staff David Ostrander, Rebecca Thomas and Deb Thomas (Acting AA) will be in attendance. David will lead the tour.

POC: Dave Ostrander, EPA Region 8, 303-888-9906

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DATE: August 3-4, 2017
LOCATION: Broomfield, Gold King Mine, Woodrow, CO

August 3, 2017

Denver Weather: HIGH 70, LOW 55 PM t-storms

11:30 AM Cloud Peak Energy, Inc. Visit, Broomfield, CO

What: Meeting at their Colorado Office

Who: Colin Marshall, President and Chief Executive Officer, Bryan Pechersky, Executive Vice President, General Counsel and Corporate Secretary, Richard Reavey, VP Public Affairs

Background: This visit is introductory in nature and an opportunity for you to learn about their clean coal technology and the work CPE does across Colorado, Montana, and Wyoming.

POC: Rick Curtsinger, Director Public Affairs, Ex. 6

2:00 PM Frasier Ranch WOTUS Visit, Woodrow, CO

***Attire:** Jeans, boots, button-down shirt

What: 5,000 head cow/calf and stocker operation

Who: Owner Mark Frasier, agricultural stakeholders-ranchers, feedlot operators, farmers

POC: William Hammerich, CEO Colorado Livestock Association, Ex. 6

Background: Frasier originated at a Kansas wheat farm and employs grass feeding strategy to maintain the health and productivity of the plants. He also works to ensure yearlings are on a constantly improving plane of nutrition by rotating paddocks every few days, thus improving the end product of beef. EPA visited the ranch in 2015 during the WOTUS rollout, promising it wouldn't impact agriculture. This visit is an opportunity for you to revisit the ranch and demonstrate how the work you are doing is providing relief to the agriculture community and rural America.

Other Attendees:

Don Brown - Colorado Commissioner of
Agriculture

Laura Teague - County Commissioner -
Morgan County

Mark Frasier - Frasier Farms: *donated to John Salazar (D) in 2006, 2008

Tom McDonald - Feeder

Justin Miller - Feeder

Jon Slutsky - Dairy

Glenn Benjamin - Rancher

Jessica Lemmel - Colorado Livestock Association

Chris Kraft – Dairy

Terry Fankhauser - Colorado Cattlemen's Association

Chad Vorthman - Colorado Farm Bureau

Mark Sponsler -Colorado Corn Growers

Andrew Mertens - Farmer

Joyce Kelly - Colorado Pork Producers

Randy Traxler - Colorado Wheat Growers

Ed Frank -National Cattlemen's Beef Association

August 4, 2017

Silverton Weather: HIGH 66, LOW 50 scattered t-storms

11:00 AM-12:40 PM Tour of Gold King Mine

What: 2 legs of the tour: the first is via vehicle up to the top of the mine (45 min roundtrip) followed by a walking tour of wastewater treatment facility (20-30 min).

Who: Governor Hickenlooper, Senator Gardner and Senator Bennet and staff

Gold King Planning Committee (6)- they will mingle with EPA Senior staff while the small group of elected does the first part of the tour with their Chairman. They are much happier with the new Administration's actually choosing to address the site.

EPA Regional staff David Ostrander, Rebecca Thomas and Deb Thomas (Acting AA) will be in attendance. David will lead the tour.

POC: Dave Ostrander, EPA Region 8, 303-888-9906

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel July 17-20
DATE: July 17-18, 2017
LOCATION: Salt Lake City, UT

Note: Salt Lake City, UT is in the Mountain Standard Time

Notable about Utah:

- 80% of Utah's developed water is used for agriculture, an industry that generates \$17.5 billion representing about 14% of the state's economy¹
- The economic impact of farming in Utah is \$1.8B annually²

Meeting with Principles to Discuss WOTUS, Gold King Mine

Who: Governor Herbert, AG Reyes, and Senior Staff

Topics: Gold King Mine, WOTUS



Gov. Herbert

Background: Herbert is a former chair of the Western Governors Association (WGA) and the National Governors Association (NGA). He also served as Lt. Governor for 5 years. Utah's economic drivers include technology, petroleum, and coal. The federal government controls over 70% of the state. Drought conditions have led to state wide action under a governor issued executive order to increase water conservation practices. Herbert is seeking help from OMB to establish a 50-year water strategy. The state has invested over \$15 million in the Utah Water Restoration initiative and leveraged more than \$100 million in partner contributions since 2005.

WOTUS: The WGA, of which Utah is a member, submitted comments. On June 20, 2017, AG Reyes joined a 20-state coalition in requesting EPA preserve the role of the states in protecting the nation's water sources.

Lunch Roundtable Discussion at the Utah State Capitol w/ local stakeholders

Who: Members of state legislature, Sheep Federation, Water Commissioners, Farm Bureau, Kennecott, Utah Mining, Utah Petroleum, Homebuilders, others

¹ Utah Farm Bureau via [[HYPERLINK "http://thecountyseat.tv/redefining-waters-of-the-united-states-wotus/"](http://thecountyseat.tv/redefining-waters-of-the-united-states-wotus/)]

² National Agricultural Statistics Service via [[HYPERLINK "http://www.farmflavor.com/utah-agriculture/"](http://www.farmflavor.com/utah-agriculture/)]

SALT LAKE CITY, UT AGENDA:

July 17th	
4:55PM EST- 7:40PM MST	FLY: DCA-SLC
RON:	Salt Lake City, UT Monaco Salt Lake City Kimpton – 15 West 200 South Salt Lake City, UT 84101
July 18th	
6:00 AM:	Live In-Person Interview with KUTV (CBS) Show: 2News This Morning Topic: visit to Utah, back-to-basics, Gov meeting, WOTUS Drive Time: 44 mins/36.7 miles
8:30 AM:	Head to tour at Snyderville Basin
9:20 AM:	Bittner Ranch Tour & Conservatory Location: Bitner Ranch- Bitner Ranch Rd, Park City, UT 84098 Drive Time: 44 mins/ 36.7 miles
11:00 AM:	Meeting with Governor Herbert, AG Sean Reyes and Senior Staff Topic: WOTUS, Gold King Mine, regional haze, tribal NSR FIP Location: State Capitol - 350 State St, Salt Lake City, UT 84111
12:00PM:	Lunch and Roundtable discussion Location: State Capitol - 350 State St, Salt Lake City, UT 84111 Stakeholders: State elected officials, Erica Gaddis, Director, Division of Water Quality Sheep Federation, Water Commissioners, Farm Bureau, Kennecott, Utah Mining, Utah Petroleum, Homebuilders, others
1:15 PM:	Pre-taped radio interview on KNRS Host: Rod Arquette Topic: visit to Utah, back-to-basics, Gov meeting, WOTUS Call-in: Ex. 6 Drive Time: 10 mins/ 2.3 miles
1:30 PM:	Sit Down Interview w/ Deseret News Topics: visit to Utah, back-to-basics, Gov meeting, WOTUS
VISIT:	Staff & Call Time
2:30PM:	Depart for Airport Drive Time: 10 mins/ 5.9 miles
3:14PM MST- 6:50PM CST	FLY: SLC 3:14PM to MSP at 6:50PM CST Drive Time: 25 mins/ 14 miles
7:10 PM:	Staff & Call Time
RON:	Minneapolis, MN Le Meridien Chambers- 901 Hennepin Ave Minneapolis, MN 55403

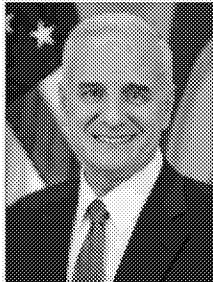
TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel July 17-20
DATE: July 18-19, 2017
LOCATION: Minneapolis, MN

Note: Minneapolis, MN is in the Central Standard Time Zone

Notable about MN:

- The ag industry in Minnesota provides more than 340,000 jobs for Minnesotans. Altogether, the industry contributes \$75 billion to the state's economy annually.³
- The headwaters of the Mississippi River are one of Minnesota's most iconic waters. The Mississippi River Headwaters Watershed is a nearly 2,000 square mile area.

Meeting with Principles, Governor Dayton and John Stein (President of ECOS)



Governor Dayton (D-MN)

Background: Dayton was appointed in 2015, and again in 2017, by the President to serve on the Council of Governors, which is responsible for advising the Secretary of Defense, Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions. *Governor Dayton signed onto the U.S. Climate Alliance*, a coalition launched after Trump announced that he plans to withdraw the United States from the Paris climate accord.

John Stein, President of ECOS

Background: John is the Commissioner of the Minnesota Pollution Control Agency

WOTUS Comments:

The MFBF submitted formal comments alongside 13 other MN farm bureaus. Nearly 500 comments were submitted by members in response to calls to action by MFBF and 1,800 signatures from Minnesotans were delivered to EPA opposing the rule.

³ Minnesota Dept. of Agriculture via [[HYPERLINK "http://www.farmflavor.com/minnesota-agriculture/"](http://www.farmflavor.com/minnesota-agriculture/)]

Tour and Round Table at the Minnesota AgriGrowth Council

Host: Perry Aasness, Executive Director

Who:

MN Agribusiness/Farm/Commodity organizations:

- MN AgriGrowth Council
- MN Pork Producers Assn
- MN Turkey Growers Assn
- Chicken and Egg Assn of MN
- MN Corn Growers Association
- MN Soybean Growers Association
- MN Milk Producers Association
- MN Wheat Growers Association
- MN State Cattlemen's Association
- Red River Valley Sugarbeet Growers Association
- MN Farm Bureau
- MN Farmers Union
- MN Agricultural Waters Resource Center

MN Agribusiness:

- CHS
- Land O Lakes
- Cargill
- Hormel
- Mosaic

MINNEAPOLIS, MN AGENDA:

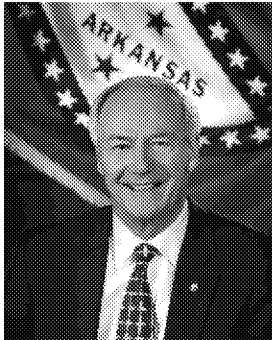
6:30 AM:	Live TV Hit WCCO- TV
7:00 AM:	Live Radio Hit WCCO
8:00 AM:	Print Interview with Star Tribune (Patrick Condon)
8:30 AM:	Breakfast at Hen House Diner Location: 114 S 8th St, Minneapolis, MN 55402 Drive Time: 30 mins/ 9.3 miles
10:00 AM:	Governor and John Stein (President of ECOS) Topics: CERCLA, WOTUS Location: State Capitol 75 Rev Dr Martin Luther King Jr Boulevard. St Paul, MN 55155
11:15 AM:	Tour & Round Table Attendees: Sugar Beets, Corn Growers, Rice Growers, Cattlemen, and other commodity groups. Location: Minnesota AgriGrowth Council- 400 Robert Street North Suite 1520 St. Paul, MN 55101 POC: Perry Aasness Executive Director, 651-905-8900 (o), Ex. 6 (c) paasness@agrigrwth.org
1:15 PM:	Radio Interview Call-In on KFAN – Sports Radio & Politics Location: Call in from Minnesota AgriGrowth Host: Dan Cole
1:00 PM:	Lunch
2:00 PM:	Depart for Airport Drive Time: 16 mins/ 7.8 miles
3:20PM	Depart: Minneapolis, MN (MSP)
8:35PM	Arrive: Little Rock, AR (LIT) 8:35 PM via Delta
RON:	Little Rock, AR The Capital Hotel- 111 W Markham St, Little Rock, AR 72201-1507

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel July 17-20
DATE: July 20, 2017
LOCATION: Little Rock, AR is in Central Standard Time Zone

Notable about AR:

- Arkansas ranks 14th in cash receipts from farm markets, with a total of 4,973,164 harvested acres
- Nationally, Arkansas is #1 in rice and poultry production; #5 in sorghum, grain; #6 in cotton and #8 in soybeans and grapes

Meeting with Principles, Governor Asa Hutchinson, AG Leslie Rutledge, Ag Secretary Wes Ward, DEQ Director, Beck Keogh



Governor Asa Hutchinson (R-AR)

Background: Gov. Hutchinson served as Director of the DEA and as the first Undersecretary of the Department of Homeland Security. Voters in Arkansas's Third District also elected him to Congress three times. He was appointed by President Reagan as the nation's youngest U.S. attorney at age 31. He is chairman of the Interstate Oil and Gas Compact Commission (IOGCC) and chairman of the Southern States Energy Board (SSEB).



Leslie Rutledge, Attorney General

Background: General Rutledge led the AG call on July 13th where you discussed WOTUS with a bipartisan group of 30+ attorneys general.



Wes Ward, Secretary AAD

Background: Ward is an attorney and former Captain in the U.S. Marines. Former field coordinator for U.S. Rep. Rick Crawford (R-AR).



Becky Keogh, Director ADEQ

WOTUS:

Governor Hutchinson and AG Rutledge praised the administration's action to roll-back the 2015 WOTUS rule. Rutledge joined the lawsuit with 12 other states in suing EPA over the 2015 rule. The WOTUS rule would have harsh effects on the economy of Arkansas considering that agriculture is the state's number one industry contributing more than \$20B annually to the state's economy⁴

⁴ Arkansas Ag Department via [[HYPERLINK "http://www.farmflavor.com/arkansas-agriculture/"](http://www.farmflavor.com/arkansas-agriculture/)]

LITTLE ROCK, AR AGENDA:

6:00 AM:	HOLD Morning Show
9:30 AM:	Breakfast Round Table Host: Arkansas Poultry Federation Stakeholders: AR Farm Bureau Location: Arkansas Poultry Federation 321 S Victory St, Little Rock, AR 72201
11:00 AM:	Meeting with Governor Asa Hutchinson, AG Rutledge, Ag Com and DEQ Location: State Capitol 500 Woodlane St, Little Rock, AR 72201
HOLD:	Print Interview Arkansas Democrat Gazette
2:28 PM	<i>Depart: LIT at 2:28 PM</i> <i>Arrive: DCA at 7:42 PM via Delta</i>
RON:	Washington, DC